

# FEDERAL REGISTER

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Washington, Tuesday, November 16, 1943

## The President

### PROCLAMATION 2600

THANKSGIVING DAY, 1943

BY THE PRESIDENT OF THE UNITED STATES  
 OF AMERICA  
 A PROCLAMATION

God's help to us has been great in this year of march toward world-wide liberty. In brotherhood with warriors of other United Nations our gallant men have won victories, have freed our homes from fear, have made tyranny tremble, and have laid the foundation for freedom of life in a world which will be free.

Our forges and hearths and mills have wrought well; and our weapons have not failed. Our farmers, Victory gardeners, and crop volunteers have gathered and stored a heavy harvest in the barns and bins and cellars. Our total food production for the year is the greatest in the annals of our country.

For all these things we are devoutly thankful, knowing also that so great mercies exact from us the greatest measure of sacrifice and service.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate Thursday, November 25, 1943, as a day for expressing our thanks to God for His blessings. November having been set aside as "Food Fights for Freedom" month, it is fitting that Thanksgiving Day be made the culmination of the observance of the month by a high resolve on the part of all to produce and save food and to "share and play square" with food.

May we on Thanksgiving Day and on every day express our gratitude and zealously devote ourselves to our duties as individuals and as a nation. May each of us dedicate his utmost efforts to speeding the victory which will bring new opportunities for peace and brotherhood among men.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 11th day of November, in the year of our Lord nineteen hundred and [SEAL] forty-three, and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
*Secretary of State.*

[F. R. Doc. 43-18339: Filed, November 13, 1943;  
 12:03 p. m.]

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter VIII—War Food Administration (Sugar Determinations)

##### PART 802—SUGAR DETERMINATIONS

###### FLORIDA SUGARCANE FOR SUGAR, 1943 CROP

Determination of fair and reasonable prices for the 1943 crop of Florida sugarcane for sugar, pursuant to the Sugar Act of 1937, as Amended.

Pursuant to section 301 (d) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943, the following determination is hereby issued:

§ 802.22L *Fair and reasonable prices for the 1943 crop of Florida sugarcane for sugar.* Fair and reasonable prices for the 1943 crop of Florida sugarcane for sugar shall not be less than those provided for in Sugar Determination No. 151 (Revision 1), issued May 20, 1943. The price basis for sugar shall be determined in accordance with whichever of the following options may be agreed upon: (1) the average price per pound of 96° raw sugar, duty-paid at New York less .17 cent (plus transportation tax on such amount payable under section 620 of the Revenue Act of 1942) per pound to adjust for the appropriate freight differential for the week in which such sugarcane is

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delivered, or (2) the average price per pounds of 96° raw sugar, duty-paid at New York less .17 cent (plus transportation tax on such amount payable under section 620 of the Revenue Act of 1942) per pound to adjust for the appropriate freight differential for the period beginning October 15, 1943 and ending May 31, 1944, except that, if such prices do not give full effect to orders or regulations of the Federal Government pertaining to the establishment of a price for 96° raw sugar, duty-paid basis at New York, the Chief of the Sugar Branch may substitute such prices as will give effect to any such orders or regulations, and except, further, that if through any orders or regulations of the Federal Government the existing relationship between the price of 96° raw sugar, duty-paid basis, between New York City and Savannah, Georgia, should be changed, the price at Savannah, Georgia, except

for the differential existing on October 15, 1942, shall be governing.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131; E.O. 9322, as amended by E.O. 9334)

Issued this 13th day of November 1943.

ASHLEY SELLERS,

Assistant War Food Administrator.

[F. R. Doc. 43-18319; Filed, November 13, 1943; 11:19 a. m.]

## Chapter XI—War Food Administration (Distribution Orders)

[FDO 29, Amdt. 4]

### PART 1460—FATS AND OILS

#### USE AND DISTRIBUTION OF COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL

Food Distribution Order 29, as amended (8 F.R. 5619; 8 F.R. 8623; 8 F.R. 10970), issued by the War Food Administrator on April 28, 1943, is amended to read as follows:

§ 1460.13 Cottonseed, peanut, soybean, and corn oil; restrictions on use and distribution—(a) Definitions. (1) "Crude oil" means any oil pressed, expelled, or extracted from cottonseed, peanuts, soybeans, or corn, and which may have been filtered or settled, but which has not been refined, blown, hydroxylated, or otherwise processed.

(2) "Refined oil" means any oil pressed, expelled, or extracted from cottonseed, peanuts, soybeans, or corn, which has been refined by treating with caustic soda, soda ash, or otherwise to reduce the free fatty acid content, and which may or may not have been further processed. Such processing may include, but is not limited to, bleaching, deodorizing, winterizing, or hydrogenation. However, unless otherwise specified by the Director, "refined oil" when allocated for delivery pursuant to this order shall mean (in the absence of a previous contract between the deliverer and the donee, or unless otherwise requested by the donee) oil that is once refined, unbleached, and undeodorized.

(3) "Refiner" means any person who accepts delivery of crude oil for the purpose of refining, and who may or may not process refined oil, produced by him or acquired from any other person, further in the manufacture of shortening, cooking oil, salad oil, or margarine.

(4) "Non-refining margarine manufacturer" means any person who accepts delivery of refined oil for use in the manufacture of margarine, and who does not own, control, or operate a refinery for refining crude oil.

(5) "Non-refining shortening manufacturer" means any person who accepts delivery of refined oil for use in the manufacture of shortening, cooking oil, or salad oil, and who does not own, control, or operate a refinery for refining crude oil.

(6) "Industrial user" means any person, other than a refiner, who accepts

delivery of crude or refined oil, for any use other than the manufacture of an edible product. A manufacturer of medicinal or vitamin preparations shall be deemed to be an industrial user hereunder.

(7) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(8) "Director" means the Director of Food Distribution, War Food Administration.

(9) "Receiving notice from the Director" shall include, but is not limited to, the delivery of a telegram or letter from the Director to an employee of the person concerned at the business address of such person.

(b) *Restrictions on delivery of crude oil.* No person shall deliver and no person, except an industrial user, shall accept delivery of crude oil, except as specifically authorized or directed by the Director. In any authorization or directive issued pursuant to this paragraph (b), the Director may designate the point from which the oil is to be shipped and the point where it is to be received.

(c) *Restrictions on delivery of refined oil.* No person shall deliver refined oil to any other person who is a refiner, non-refining margarine manufacturer, or non-refining shortening manufacturer, and no refiner, non-refining margarine manufacturer, or non-refining shortening manufacturer shall accept delivery of refined oil, except as specifically authorized or directed by the Director. In any authorization or directive issued pursuant to this paragraph (c), the Director may designate the point from which the oil is to be shipped and the point where it is to be received.

(d) *Restrictions on the use of crude oil.* Subject to the provisions of paragraph (f) hereof, no person, other than an industrial user, shall use crude oil except in such quantities and for such purposes as the Director shall specifically authorize or direct. The foregoing restrictions shall be construed as being supplemental to the restrictions of any other applicable Food Distribution Order, and an authorization or directive issued pursuant to this paragraph shall not be construed as authorizing a violation of any other Food Distribution Order.

(e) *Restrictions on the use of refined oil.* (1) Subject to the provisions of paragraph (f) hereof, no refiner, non-refining margarine manufacturer, or non-refining shortening manufacturer shall use refined oil except in such quantities and for such purposes as the Director shall specifically authorize or direct. The foregoing restrictions shall be construed as being supplemental to the restrictions of any other applicable Food Distribution Order, and an authorization or directive issued pursuant to this paragraph shall not be construed as authorizing a violation of any other Food Distribution Order.

(f) *Prohibited uses of cottonseed, peanut, soybean, or corn oil.* (1) No per-

son, including an industrial user, shall use crude, refined, or otherwise processed cottonseed, peanut, soybean, or corn oil, or any mixture of any of these oils, or any mixture of any of these oils with any other material, in the manufacture of any of the following products, unless and except as specifically authorized by the Director:

(i) Soap, exclusive of USP XII soap for medicinal use; and soft soap, hospital grade, according to United States Army Specifications No. 4-1027A (Feb. 5, 1941) for delivery to the United States Army.

(ii) Paints, varnishes, lacquers and all other protective coatings, except that soybean oil may be used in synthetic resins and as a plasticizer in lacquers.

(iii) Linoleum, felt base floor covering, oilcloth and coated fabrics, except that soybean oil may be used as a plasticizer in coated fabrics other than linoleum, oilcloth, and felt base floor coverings.

(iv) Printing inks, including lithographing, offset, silk screen, and other processing inks.

(v) Animal and poultry feed, including vitamin preparations for animals and poultry, but excluding medicinals and pharmaceuticals for animals and poultry.

(vi) Core oils.

(2) The restrictions of paragraphs (f) (1) (i), (ii), (iii), (iv), (v), and (vi) hereof, shall not apply to the use of any cottonseed, peanut, soybean, or corn oil which is a by-product or residue (except stearine) of a permitted processing of such oil or which consists of tank bottoms.

(3) Applications to use cottonseed, peanut, soybean, or corn oil, under paragraph (f) (1) hereof, shall be made on Table I of Form FDA-478 or such other form or forms as the Director may, from time to time, designate.

(g) *Effective period of authorizations or directives.* The Director may prescribe in an authorization or directive, issued pursuant to this order, a period of time in which the authorization or directive shall be in force and effect, and no person shall deliver, accept delivery of, or use crude or refined oil pursuant to or in reliance on an authorization or directive for such delivery, acceptance of delivery, or use, as the case may be, after the expiration of the effective period thereof.

(h) *Further allocations.* No person, after receiving notice from the Director to refrain from delivering or using any crude or refined oil acquired by him pursuant to an authorization or directive issued hereunder, shall deliver or use such oil, except upon further specific authorization of the Director.

(i) *Inventories.* Crude or refined oil authorized or directed by the Director to be used for a specific purpose during a specified period shall revert to inventories where and to the extent that such oil is not used during the specified period for the specific purpose designated in the authorization or directive. Crude or refined oil which the Director has authorized or directed to be delivered, accepted for delivery, or used for the purpose of building up inventories, or which

has reverted to inventories under the terms of this order, shall not be used for any purpose other than refining to the extent necessary to prevent deterioration, except as the Director may further authorize or direct.

(j) *Delivery.* For the purposes of this order:

(1) A person shall be deemed to have delivered crude or refined oil upon the occurrence of any one of the following:

(i) The delivery by such person of such oil to a common carrier and the issuance of a bill of lading therefor; or

(ii) The loading of such oil in a truck or tank wagon furnished by the person to whom delivery is to be made; or

(iii) The unloading of such oil in a plant or storage tank which is owned, leased, or controlled by the person to whom delivery is to be made.

(2) A person shall be deemed to have accepted delivery of crude or refined oil upon the occurrence of any one of the following:

(i) The acquisition by such person of a bill of lading issued by a common carrier for such oil; or

(ii) The loading of such oil in a truck or tank wagon furnished by such person; or

(iii) The receiving of such oil in a plant or storage tank which is owned, leased, or controlled by such person.

(k) *Intra-company deliveries.* The provisions and restrictions of this order with respect to delivery of crude oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(l) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(m) *Applications, records, and reports.* (1) Applications for authorizations required by this order shall be made on such forms, in such manner, for such period, and at such times as the Director shall prescribe.

(2) Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(3) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(n) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of fats and oils and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(o) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 29. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(p) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any material subject to priority or allocation control by the War Food Administrator and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(q) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 29.

(r) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(s) *Territorial extent.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(t) *Effective date.* This amendment shall become effective on the 23d day of November 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 29 as amended, or rights accrued or liabilities incurred thereunder, prior to said date, said Food Distribution Order 29, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper

suit, action, or other proceeding with respect to any such violation, right, or liability. Nothing herein shall be construed as affecting the provisions of the Partial Suspension Order (8 F.R. 12255), with respect to Food Distribution Order 29, as amended, issued by the War Food Administrator on the 3d day of September 1943, and such partial suspension order shall apply to paragraph (b) hereof, to the same extent that it applied to paragraph (b) of Food Distribution Order 29, as amended prior to this amendment.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 12th day of November 1943.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F.R. Doc. 43-18346; Filed, November 13, 1943;  
3:58 p. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service

[G. O. C-1, 18th Supp.]

CLOSING OF UNITED STATES IMMIGRATION STATION AT YARMOUTH, NOVA SCOTIA, CANADA

NOVEMBER 3, 1943.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458) and § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735), and all other authority conferred by law, the following amendments to Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

#### PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

Section 60.1 (First Supp. G. O. No. C-38, of September 4, 1943, 8 F.R. 12505) is amended by deleting from the description of District No. 2 with headquarters at Boston, Massachusetts, the following: "also jurisdiction over the United States immigration station located at Yarmouth, Nova Scotia, Canada." and by substituting a period for the semicolon after the word "Connecticut".

#### PART 110—PRIMARY INSPECTION AND DETENTION

Section 110.2 is amended by deleting Yarmouth, Nova Scotia, from the list of United States immigration stations located in Canada.

[SEAL] EARL G. HARRISON,  
Commissioner,  
Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,  
Attorney General.

[F.R. Doc. 43-18304; Filed, November 12, 1943;  
4:24 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 3936]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### EMBALMERS' SUPPLY COMPANY

§ 3.6 (j) Advertising falsely or misleadingly—Government approval, connection or standards—Standards, specifications or source: § 3.6 (j) 10 Advertising falsely or misleadingly—History of product or offering: § 3.6 (j) 15 Advertising falsely or misleadingly—Identity of product: § 3.6 (m) 10 Advertising falsely or misleadingly—Manufacture or preparation: § 3.6 (y) 10 Advertising falsely or misleadingly—Scientific or other relevant facts. In connection with offer, etc., in commerce, of respondent's "San Veino Spray" or any other similar preparation, representing, directly or by implication (1) that the formula for the preparation used by the United States Government in the exhumation of the remains of American soldiers who died in France during the first World War was originated or developed by the United States Army or any agency or department of the United States Government; (2) that the formula for the preparation used in said exhumations was obtained by respondent from the United States Government or any agency thereof; and (3) that respondent's preparation is the same as the preparation used in said exhumations; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Embalmers' Supply Company, Docket 3936, November 2, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of November A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

*It is ordered*, That the respondent, The Embalmers' Supply Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation designated "San-Veino Spray," or any other preparation of substantially similar composition, whether sold under the same name or under any other name, do forthwith cease and desist from representing, directly or by implication:

1. That the formula for the preparation used by the United States Govern-

ment in the exhumation of the remains of American soldiers who died in France during the first World War was originated or developed by the United States Army or any agency or department of the United States Government.

2. That the formula for the preparation used in said exhumations was obtained by respondent from the United States Government or any agency thereof.

3. That respondent's preparation is the same as the preparation used in said exhumations.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission,

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F.R. Doc. 43-18315; Filed, November 13, 1943;  
11:07 a. m.]

[Docket No. 4807]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### FOX STUDIOS, ETC., ET AL

§ 3.6 (n) Advertising falsely or misleadingly—Nature—Product: § 3.69 (b) Misrepresenting oneself and goods—Goods—Nature. In connection with offer, etc., in commerce, of photographs, including tinted or colored photographs and enlargements or miniatures thereof, and among other things, as in order set forth, representing directly or by implication that tinted or colored photographs, including tinted or colored enlargements or miniatures made from a photographic base, are "Portraits in oil", "Oil paintings", "Oil portraits", "Hand paintings", "Hand colored paintings", or "Paintings", or that respondents' said products are works of art produced by the skill and brush of a painter; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Fox Studios, etc., et al., Docket 4807, November 3, 1943]

§ 3.6 (r) Advertising falsely or misleadingly—Prices—Cost, expense reimbursing, or advertising: § 3.6 (r) Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary: § 3.6 (r) Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.: § 3.6 (dd) Advertising falsely or misleadingly—Special or limited offers: § 3.6 (c) Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary: § 3.69 (c) Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased: § 3.7 (n) Offering deceptive inducements to purchase or deal—Special offers, savings and discounts: In connection with offer, etc., in commerce, of photographs, including tinted or colored photographs and enlargements or miniatures thereof, and among other things, as in order set forth, (1) representing as the customary, regular or studio prices for respondents' pic-

tures, enlargements or miniatures, any prices which are in fact in excess of the prices at which said pictures, enlargements or miniatures are customarily offered for sale in the normal and usual course of respondents' business; (2) representing that pictures being sold in the regular course of business at the usual and customary prices therefor are being or will be sold only to a limited number of customers or as "Special introductory offers", "Special opening bargains", "Special Easter values", as "Mother's Day specials" or at a "reduced price" or that the offer expires on any given date, or in any other manner representing that a purchaser is receiving an advantage in price or other consideration not ordinarily available; and (3) representing that any specified sum in excess of the actual cost of production is merely the "cost of production" of respondents' said products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Fox Studios, etc., et al., Docket 4807, November 3, 1943]

**§ 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff:** § 3.6 (m 10) **Advertising falsely or misleadingly—Manufacture or preparation:** § 3.69 (b) **Misrepresenting oneself and goods—Goods—Manufacture or preparation:** § 3.96 (a) **Using misleading name—Goods—Manufacture or preparation.** In connection with offer, etc., in commerce, of photographs, including tinted or colored photographs and enlargements or miniatures thereof, and among other things, as in order set forth, (1) representing that respondents have employed in their studio photographers from Hollywood, California, who have acquired experience and proficiency as motion picture photographers in said city, or that the lighting effects employed by respondents in their studio are those used in motion picture photography; and (2) using the expression "Goldtone" alone or in conjunction with any other word or words, to describe, designate or indicate any sepia or other finish picture which is not the result of a toning or developing bath or process employing chloride of gold salts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Fox Studios, etc., et al., Docket 4807, November 3, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of November A. D. 1943.

*In the Matter of John C. Lucas, Individually and Trading as Fox Studios, and Formerly Trading as United Studios; and Saul C. Fineman, Isla Fineman Lucas, Harry Becko, Howard Sheld, Harvey Grastey, Dick Sperling and Nicholas Mock, Individuals*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of John C. Lucas and Isla Fineman Lucas, in which answer said respondents admit all the material allegations of fact set forth in said complaint

and state that they waive all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and conclusion that said respondents John C. Lucas and Isla Fineman Lucas have violated the provisions of the Federal Trade Commission Act.

*It is ordered,* That respondent John C. Lucas, individually, and trading as Fox Studios or United Studios, or trading under any other name, and Isla Fineman Lucas, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of photographs, including tinted or colored photographs and enlargements or miniatures thereof, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing directly or by implication that tinted or colored photographs, including tinted or colored enlargements or miniatures made from a photographic base, are "Portraits in oil", "Oil paintings", "Oil portraits", "Hand paintings", "Hand colored paintings", or "Paintings", or that respondents' said products are works of art produced by the skill and brush of a painter;

(2) Representing as the customary, regular or studio prices for respondents' pictures, enlargements or miniatures, any prices which are in fact in excess of the prices at which said pictures, enlargements or miniatures are customarily offered for sale in the normal and usual course of respondents' business;

(3) Representing that pictures being sold in the regular course of business at the usual and customary prices therefor are being or will be sold only to a limited number of customers or as "Special introductory offers", "Special opening bargains", "Special Easter values", as "Mother's Day specials" or at a "reduced price" or that the offer expires on any given date, or in any other manner representing that a purchaser is receiving an advantage in price or other consideration not ordinarily available;

(4) Representing that any specified sum in excess of the actual cost of production is merely the "cost of production" of respondents' said products;

(5) Representing that respondents have employed in their studio photographers from Hollywood, California, who have acquired experience and proficiency as motion picture photographers in said city, or that the lighting effects employed by respondents in their studio are those used in motion picture photography;

(6) Using the expression "Goldtone" alone or in conjunction with any other word or words, to describe, designate or indicate any sepia or other finish picture which is not the result of a toning or developing bath or process employing chloride of gold salts.

It appearing that respondents Harry Becko, Howard Sheld, Harvey Grastey, Dick Sperling and Nicholas Mock have not been served with the complaint and respondent Saul C. Fineman has not been served with notice of hearing. *It is ordered,* That the proceeding be, and the same hereby is, closed without prejudice

to the right of the Commission to reopen the same as to said respondents.

*It is further ordered,* That said respondents John C. Lucas and Isla Fineman Lucas shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-18316; Filed, November 13, 1943;  
11:07 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter A—Income and Excess Profits Taxes

[T.D. 5304]

#### PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

##### EFFECT ON EARNINGS OR PROFITS OF CERTAIN TAX-FREE EXCHANGES AND DISTRIBUTIONS

Section 29.115-11 of Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cumulative Supplement) is amended by inserting immediately after the first paragraph thereof the following new paragraph:

If a transaction described in the preceding paragraph has occurred, there shall be included in the accumulated earnings and profits of the transferee corporation as of the day on which such transaction occurred the proportionate part of any earnings and profits of the transferor corporation accumulated as of such day and properly allocable to the transferee; and there shall be included in the current earnings and profits of the transferee for the taxable year of the transferee in which such transaction occurred the proportionate part of the earnings and profits of the transferor accumulated after the beginning of such taxable year and properly allocable to the transferee. The amount so included in the current earnings and profits of the transferee shall not exceed such proportionate part of the earnings and profits of the transferor accumulated as of the day on which such transaction occurred.

(Section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62))

[SEAL] ROBERT E. HANNEGAN,  
Commissioner of Internal Revenue.  
Approved: November 12, 1943.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 43-18358; Filed, November 15, 1943;  
10:51 a. m.]

[T.D. 5305]

#### PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

##### MISCELLANEOUS AMENDMENTS

In order to conform Regulations 111 (Part 29, Title 26, Code of Federal Regu-

lations, Cumulative Supplement) to sections 5, 7, and 8 of the Current Tax Payment Act of 1943 (Public Law 68, 78th Congress), approved June 9, 1943, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 60 the following new sections:

**§ 29.58-1 Declarations of estimated tax—(a) General.** Under the provisions of section 1622 there is withheld at the source a tax designed to approximate the amount of net victory tax, the normal tax, and the first bracket surtax but the tax so withheld applies only to wages and not to other forms of income such as dividends, interest, rents, royalties and the like. In order to collect currently during the taxable year in which the income is received that portion of the tax liability for the taxable year which is not satisfied by collection at the source, there is required to be filed, as specifically set forth in paragraph (b) of this section, for taxable years beginning after December 31, 1942, a declaration of estimated tax for the then current taxable year. As to the contents of such declaration, see section 58 (b). As to the time and place of filing such declaration, see section 58 (d). As to additions to the tax and penalties with respect to filing and contents of declaration, see section 294 (a). As to payment of the estimated tax, see section 59.

(b) *Obligation to file declarations of estimated tax.* A declaration of estimated tax shall, for taxable years beginning after December 31, 1942, be made by (1) every citizen of the United States, whether residing at home or abroad, (2) every individual residing in the United States though not a citizen thereof, and (3) every nonresident alien who is a resident of Canada or Mexico and who has wages subject to withholding at the source under section 1622 if such citizen or resident or alien comes within any of the following groups:

(i) Single or married but not living with spouse at the date prescribed for the making of the declaration (whether or not the head of a family), if such individual had for the preceding taxable year or can reasonably be expected to have for the taxable year:

(a) Gross income of more than \$2,700 from wages subject to withholding; or  
(b) Gross income of more than \$100 from sources other than wages subject to withholding, and gross income of \$500 or more from all sources.

(ii) Married and living with spouse at the date prescribed for the making of the declaration, if such individual had for the preceding taxable year or can reasonably be expected to have for the taxable year:

(a) Gross income from wages subject to withholding which, when added to the gross income from such wages of his spouse, exceeds \$3,500; or

(b) Gross income other than from wages subject to withholding which, when added to the gross income other than from such wages of his spouse, exceeds \$100, and his gross income from all sources exceeds \$624 for the taxable year or the preceding taxable year (if such

preceding taxable year is a taxable year beginning after December 31, 1942), or the aggregate gross income of both spouses from all sources amounts to \$1,200 or more for the taxable year or the preceding taxable year.

(iii) Any individual without regard to marital status, (a) who was required to file a return under section 51 for the taxable year beginning in 1942 and (b) whose gross income from wages for such taxable year is greater than the gross income which can reasonably be expected to be received from wages in the taxable year beginning in 1943. Thus, a married individual making his return on the calendar year basis, who received \$3,000 in the form of wages in 1942 and can be reasonably expected to receive \$2,000 in the form of wages in 1943 is, under the provisions of paragraph (3) of section 58 (a), required to file a declaration of estimated tax.

For the purposes of determining whether a declaration of estimated tax is required under section 58 (a), a taxpayer who is the head of a family but not married and living with husband or wife is treated as a single person; and for the purpose of determining whether a declaration of estimated tax is required in the case of a husband and wife living together at the time prescribed for filing such declaration, the incomes of such husband and wife for the preceding taxable year shall be aggregated whether or not they were married and living together during any part of such preceding taxable year.

In the case of a husband and wife each having gross income, if their combined gross income meets the requirements of this subsection, a joint declaration of estimated tax must be made by husband and wife or a separate declaration must be made by each.

If an individual had no gross income for the preceding taxable year and it cannot be reasonably expected that he will have gross income for the taxable year, no declaration of estimated tax is required.

A nonresident alien who is a resident of Canada or Mexico, who enters and leaves the United States at frequent intervals and who has wages subject to withholding under the provisions of section 1622, is required to file a declaration of estimated tax if he comes within any of the groups set forth in section 58 (a). In the case of a nonresident alien, gross income means only gross income from sources within the United States, section 212 (a). As to what constitutes gross income from sources within the United States, see section 119 and regulations thereunder. Thus, for example, a nonresident alien living in Canada with his wife throughout 1942 and 1943, makes his return on the calendar year basis. He is employed as a mechanic in Detroit, Michigan, and enters and leaves the United States at frequent intervals. In 1942 he derived an average weekly wage from such source of \$80 and had no other income from United States sources. Since his gross income from wages derived from sources within the United States in 1942 amounted to more than

\$3,500, a declaration of estimated tax must be filed for 1943.

An estate or trust, though taxed generally as an individual, is not within the scope of the system of current payment of the tax and hence is not required to file a declaration.

As used in this section the term "wages" means wages as defined in section 1621.

The application of these provisions may be illustrated by the following examples:

EXAMPLE (1). A, a taxpayer making his return on the calendar year basis, is unmarried and derived in 1942 wages amounting to \$2,500. Effective January 1, 1943, however, his wages were increased to \$60 per week and he has been regularly employed at that wage from that date through September 15, 1943, and as at such latter date upon the basis of facts then existing it is reasonable to assume that his wages for the remainder of the calendar year 1943 will remain unchanged. In such case, the wages which can reasonably be expected to be received for 1943 will amount to approximately \$3,120 and since such amount exceeds \$2,700 A is required to file a declaration of estimated tax.

EXAMPLE (2). Assume the facts set forth in example (1) except that A's wages for 1942, and as at September 15 the wages reasonably to be anticipated for 1943, do not exceed \$2,200 for each of such years but as of such date he could reasonably be expected to receive dividends of \$150 for 1943. His total expected gross income being more than \$500 and his expected gross income other than wages being more than \$100 a declaration of estimated tax must be filed. II, however, his sole income for 1942 and the income reasonably to be expected for 1943 consist of wages of \$2,200 for each of such years, no declaration is required since his sole income for each year is less than \$2,700, is wholly from wages, and the wages for 1942 are not in excess of the wages reasonably expected to be received for 1943.

EXAMPLE (3). A, married and living with his wife B throughout 1942 and 1943, makes his return on the calendar year basis. His sole gross income for 1942 and up to September 15, 1943, consists of wages averaging \$60 per week. His wife was not employed during 1942 and derived no income during such year but was employed effective July 1, 1943, at \$40 per week. Since the wages reasonably to be anticipated by A during 1943 (\$3,120) when added to the wages reasonably to be anticipated by B during 1943 (\$1,040), aggregate \$4,160, and thus exceed the amount of \$3,500, a declaration of estimated tax must be filed jointly by A and B or a separate declaration must be made by each.

EXAMPLE (4). X, married and living with his wife throughout 1943 and making his return on the calendar year basis, has as his only income for 1942 wages of \$3,200 and it can be reasonably expected that his only income for 1943 will consist of wages of \$2,800. Under the rules laid down above in groups (i) and (ii) X would not be required to file a declaration in 1943. However, X falls within group (iii) since his gross income for 1942 was such as to require the filing of a return for that year and his wages for 1942 are in excess of the wages he can reasonably be expected to receive in 1943.

**§ 29.58-2 Form and contents of declaration of estimated tax—(a) General.** The declaration of estimated tax shall be on Form 1040-ES. The form may be had from the collectors of the several districts. It shall be executed, verified

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and filed in accordance with these regulations and the instructions on the form or issued therewith. For the purposes of making the declaration, the amount of gross income which the taxpayer can reasonably be expected to receive or accrue, as the case may be, depending upon the method of accounting upon the basis of which the net income is computed, and the amount of the estimated allowable deductions and credits to be taken into account in computing the amount of the estimated tax, shall be determined upon the basis of facts and circumstances existing as at the time prescribed for the filing of the declaration. If, therefore, the taxpayer is employed at the date of filing his declaration at a given wage or salary, it should, in the absence of circumstances indicating the contrary, be presumed by him for the purposes of the declaration that such employment will continue to the end of the taxable year at the wage or salary received by him as at the date of making the declaration. In the case of the recipient of income other than wages the regularity in the payment of income, such as dividends, interest, rents, royalties, and income arising from estates and trusts is a factor to be taken into consideration. Thus, if the taxpayer owns shares of stock in the X Corporation and dividends have been paid regularly for several years upon such stock, the taxpayer in the preparation of his schedules preliminary to the execution of Form 1040-ES should, in the absence of information indicating a change in the dividend policy, include the prospective dividends from the X Corporation for the taxable year as well as those actually received in such year prior to the filing of the declaration. In the case of a taxpayer engaged in business on his own account, there shall be made an estimate of gross income and deductions and credits in the light of the best available information affecting the trade, business, or profession.

In the case of any individual who can, at the time of the preparation of Form 1040-ES, reasonably anticipate that his gross income will be of such amount and character as to enable him to elect upon his return for such year to compute the tax under section 400 in lieu of the normal tax and surtax, the declaration of estimated tax may be made upon the basis set forth in section 400 and § 29.400-1. If the taxpayer computes his estimated tax for the taxable year under the provisions of section 400, it will be necessary for him to add the victory tax to the tax set forth on the reverse side of Form 1040A and appropriate to the taxable income of the taxpayer for the taxable year. Thus, if his gross income is \$3,000 and he is a single person not the head of a family, the tax under section 400 is \$431. To such amount must be added 5 percent of \$2,376 (\$3,000 less \$624) or \$118.80 less the amount of the victory tax credit under section 453. The filing of a declaration computed upon the basis of section 400 shall not constitute an election under section 402 and shall not permit the filing of a return under section 400 unless the taxpayer comes within the provisions of sections 400 and 401. A

married person living with husband or wife should not use section 400 in computing his estimated tax for the purpose of the declaration unless both spouses use that section for such purpose.

The declaration may be made by an agent if, by reason of illness, the person liable for the making of the declaration is unable to make it. The declaration may also be made by an agent if the taxpayer is unable to make the declaration by reason of continuous absence from the United States for a period of at least 60 days prior to the date prescribed by law for making the declaration. Whenever a declaration is made by an agent it must be accompanied by the prescribed power of attorney, Form 935, except that an agent holding a valid and subsisting general power of attorney authorizing him to represent his principal in making, executing, and filing the income declaration, may submit a certified copy thereof in lieu of the authorization on Form 935. The taxpayer and his agent, if any, are responsible for the declaration as made and incur liability for the penalties provided for erroneous, false, or fraudulent declarations.

The home or residential address of the taxpayer (including the street and number, if any) shall be given in the space provided on the form. A taxpayer having a permanent business address may give that address as the principal or mailing address, provided that the complete home or residential address is also given within the space provided.

(b) *Contents of declaration.* For taxable years beginning in 1943, if the tax for the taxable year beginning in 1942 (after the credit for foreign tax, but before credits for tax paid at source) is greater than the tax for 1943, similarly computed, there shall be included in the estimated tax for 1943 the excess, if any, of the tax for 1942 over the tax for 1943. Such excess is the excess of the tax for 1942 (computed after the credit for the tax, if any, paid at the source under section 143) over the tax for 1943, similarly computed. If, for example, the taxes for 1942 and for 1943, respectively, after the allowance of the credit for foreign tax, if any, are \$1,000 and \$750 and there is no tax paid at the source under section 143 for either of such years, the increase in the estimated tax for 1943 is \$1,000 minus \$750, or \$250, and thus, the amount to be estimated by the taxpayer as the amount of his income tax (including victory tax) for 1943 for the purpose of the declaration of estimated tax is \$1,000, which amount, when reduced by the applicable credits under sections 35 and 466 (e), is the estimated tax for 1943. If, however, in such case tax was paid at the source for the taxpayer under section 143 in the respective amounts, for example, of \$100 and \$75 for 1942 and 1943 the amount estimated as the amount of the tax for the purpose of the declaration shall be determined as follows: The tax for 1942 after the application of \$100 paid at the source is \$900 and the tax for 1943 after the application of \$75 paid at the source with respect to such year is \$675 and in such case the addition to the

tax for 1943 is \$900 minus \$675, or \$225, which latter amount when added to \$675 aggregates \$900, which is the amount of the income tax (including victory tax) for 1943. The excess of such tax (\$900) over the amount of the applicable credits under sections 32, 35 and 466 (e) is the estimated tax in such case for 1943.

For taxable years beginning on and after January 1, 1944, the preparation of the declaration of estimated tax will not necessitate any comparison between the tax liability for the current taxable year and that for the preceding taxable year. For such taxable years the declaration shall contain (1) the amount estimated as the tax for the taxable year after the application of the credit for foreign tax, if any, but without regard to the credits under sections 32, 35 and 466 (e); (2) the amount estimated by the taxpayer as the sum of the credits under such sections; and (3) the excess, if any, of the amount shown under (1) over the amount shown under (2), which excess shall be the estimated tax for such taxable year.

**§ 29.58-3 Joint declarations by husband and wife living together.** A married person and spouse living together at the time prescribed for making the declaration, may file a joint declaration. If one spouse dies prior to the filing of the declaration, the surviving spouse may not include the income of the deceased spouse in a joint declaration. A joint declaration may not be made if either husband or wife is a nonresident alien.

A joint declaration of a husband and wife, if not made by an agent (see § 29.51-2), shall be signed by both spouses. If signed by one spouse as agent for the other, authorization for such action must accompany the declaration. The spouse acting as agent for the other shall, with the principal, assume the responsibility for making the declaration and incur liability for the penalties provided for erroneous, false, or fraudulent declarations.

If a joint declaration is made by husband and wife, the liability with respect to the estimated tax shall be joint and several. The fact that a joint declaration of estimated tax is made by them will not preclude a husband and his wife from filing separate returns. In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in any manner they see fit. In any case in which a joint return has been filed by husband and wife for the taxable year beginning in 1942 but separate declarations are made for the taxable year beginning in 1943, the excess, if any, of the joint tax liability for 1942 over the aggregate tax on the separate declarations for 1943, which excess constitutes an addition to the estimated tax for 1943, may be treated as an addition to the estimated tax of either the husband or the wife, or may be

divided between them as they may agree. See section 6 (b) (1) and (d) (2) of the Current Tax Payment Act of 1943.

**§ 29.58-4 Use of prescribed forms.** Copies of the prescribed declaration forms will so far as possible be furnished taxpayers by collectors. A taxpayer will not be excused from making a declaration, however, by the fact that no declaration form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the collector in ample time to have their declarations prepared, verified, and filed with the collector on or before the due date. Each taxpayer should carefully prepare his declaration so as fully and clearly to set forth the data therein called for. Taxpayers desiring to employ work sheets to facilitate the preparation of the declaration may secure them by application to the collector for "Alternative Instructions for Declaration of Estimated Income and Victory Tax by Individuals". Such work sheets are to be retained by the taxpayer and not filed with the collector. If the prescribed form is not available a statement disclosing his estimated income tax (including victory tax) for 1943, his estimated credits and his estimated tax after deducting such credits may be accepted as a tentative declaration, and if filed within the prescribed time, accompanied by the payment of the required installment, the statement so made will relieve the taxpayer from liability to penalties, provided that without unnecessary delay such a tentative declaration is supplemented by a declaration made on the proper form.

**§ 29.58-5 Time and place for filing declarations—(a) Time for filing declaration—(1) General.** Declarations of estimated tax must (except in the case of farmers as to whom see paragraph (a) (3) of this section) be made on or before the 15th day of the 3d month of the taxable year by every individual whose then anticipated income for the current taxable year, or whose actual income for the preceding taxable year, meets the requirements of section 58 (a). The requirement with respect to the time for filing the declaration applies alike to nonresident aliens who are required to make the declaration as well as to United States citizens and residents. For the taxable year 1943, in the case of a taxpayer (other than a farmer) who makes his returns on a calendar year basis, the first declaration must be filed on or before September 15, 1943. In the case of such a taxpayer who makes his returns on the fiscal year basis and whose fiscal year begins in 1943 on or prior to July 1, the declaration must likewise be filed on or before September 15, 1943. In the case of such a taxpayer having a fiscal year beginning in 1943 subsequent to July 1, the declaration must be filed on the 15th day of the 3d month of such taxable year. For subsequent taxable years the declaration must be filed on or before the 15th day of the 3d month of such then current taxable year. For provisions relating to the time for filing declarations of estimated tax in the case of certain individuals outside the Americas, certain in-

dividuals in the military or naval forces of the United States who are serving on sea duty or outside the continental United States, and certain civilian employees of the United States who are prisoners of war or otherwise detained by any foreign government with which the United States is at war, see Treasury Decision 5279, set forth in paragraph 111a of the Appendix to these regulations.

**(2) Declarations for short taxable years.** No declaration may be made for a period of more than 12 months. A separate declaration for a fractional part of a year is, therefore, required wherever there is a change with the approval of the Commissioner in the basis of computing net income from one taxable year to another taxable year. The periods to be covered by such separate declarations in the several cases are those set forth in section 47 (a). Requirements with respect to filing of a separate declaration for a part of a year are the same as those for the filing of a declaration for a full taxable year commencing at the same time. Thus, for example, if the taxpayer changes his accounting period (after compliance with § 29.48-1) from the calendar year basis to the basis of a fiscal year beginning July 1, 1944, such action having been taken and permission of the Commissioner secured prior to March 15, 1944, then the declaration of estimated tax for the taxable period January 1 to June 30, 1944 must be filed on or before March 15, 1944, and an amended declaration may be filed on June 15, 1944. In the case of a decedent, no declaration need be filed subsequent to the date of death.

In the case of short taxable years ending in 1943, resulting from the change from the calendar year basis to the fiscal year basis of reporting income, no declaration is required to be filed if such short period ends prior to the date prescribed for the filing of the declaration for the calendar year 1943. If, however, such period ends subsequent to the date prescribed for the filing of the declaration, the declaration must be filed. For example, the taxpayer changes from a calendar year basis to the fiscal year basis beginning July 1, 1943. No declaration for the short period is required since his final return for the period January 1 to June 30 is due on or before September 15, 1943. If, however, he changed to a fiscal year beginning December 1, 1943, a declaration must be filed on or before September 15, 1943 for the period January 1 to November 30, 1943.

**(3) Farmers.** While, generally, the declaration of estimated tax must be filed on or before the 15th day of the third month of the taxable year, the statute provides that in the case of an individual whose estimated gross income from farming for the taxable year is at least 80 percent of his total estimated gross income from all sources for such year there is permitted the election of filing a declaration on or before the 15th day of the last month of the taxable year in lieu of the time prescribed for individuals generally. The estimated gross income from farming is the estimated income resulting from the cultivation of the soil

and the raising or harvesting of any agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. In other words, the requisite gross income must be derived from the operations of a stock, dairy, poultry, fruit, or truck farm, or plantation, ranch, nursery, range, or orchard. If an individual receives for the use of his land income in the form of a share of the crops produced thereon, such income is from farming. As to determination of income of farmers, see §§ 29.22 (a)-7 and 29.23 (a)-11.

**(b) Place for filing declaration.** The declaration of estimated tax and amendments and revisions thereof shall be filed with the collector for the district in which is located the legal residence or principal place of business of the person making the declaration, or if he has no legal residence or principal place of business in the United States, then with the Collector at Baltimore, Maryland. Any amended declaration shall be filed with the collector for the district in which the original declaration was filed.

An individual employed on a salary or commission basis who is not also engaged in conducting a commercial or professional enterprise for profit on his own account does not have a "principal place of business" within the meaning of this subsection and shall make his declaration to the collector for the district in which is located his legal residence, or if he has no legal residence in the United States then to the Collector at Baltimore, Maryland.

**(c) Obligation to file declaration arising after the 15th day of the third month of taxable year.** Generally, the declaration shall be filed on the 15th day of the third month of the taxable year. However, for the calendar year 1943 the 15th day of September 1943 shall be substituted for the 15th day of such third month. If as of the date so prescribed the amount and character of the income of the taxpayer and his marital status are such that no declaration is required to be filed, but subsequent to such date the amount and character of his income or his marital status changes so that he meets the requirements of section 58, then the declaration must be filed not later than the 15th day of the last month of the quarter of the taxable year in which such changes take place. This provision may be illustrated by the following example:

**EXAMPLE.** A United States citizen and resident, a single man, was employed at an annual salary of \$2,400 for the period in 1944 beginning with January 1 and extending through March 15. He had no other income subject to withholding for such period and as at March 15, 1944, it could not have been reasonably anticipated that he would receive any other income in 1944. Under those circumstances he is not required to file a declaration of estimated tax on March 15, 1944. On July 1, 1944, however, he was promoted to a position at an annual salary of \$3,200. Hence, on that date his wages subject to withholding could reasonably be expected to exceed \$2,700 for the taxable year. Hence, he is required to file a declaration of estimated tax for the calendar year 1944 on or before September 15, 1944.

**(d) Amended declarations.** In the making of a declaration of estimated tax,

the statute requires the taxpayer to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, the deductions therefrom and the estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the taxpayer estimates that his income, deductions, or credits will differ from the income, deductions, or credits reflected in the previous declaration. An amended declaration may also be made based upon a change in the marital status of the taxpayer. Such amended declaration shall be on Form 1040-ES, marked "Amended".

No amended or revised declaration may be filed in the quarter in which the original declaration has been filed nor in any subsequent quarter in which a prior or revised declaration has been so filed.

**§ 29.58-6 Extension of time for filing declarations.** It is important that the taxpayer render on or before the due date a declaration of estimated tax as accurate as the facts and circumstances then existing or reasonably to be anticipated permit. However, the Commissioner is authorized to grant a reasonable extension of time for filing declarations under such rules and regulations as he shall prescribe with the approval of the Secretary. Accordingly, authority for granting extension of time for filing declarations is hereby delegated to the various collectors of internal revenue. Applications for extensions of time for filing declarations shall be addressed to the collector of internal revenue for the district in which the taxpayer files his income tax returns, and must contain a full recital of the causes for the delay. Except in the case of taxpayers who are abroad, no extension for filing declarations may be granted for more than six months.

An extension of time for filing the declaration of estimated tax for taxable years beginning on or before July 1, 1943, is hereby granted to and including the 15th day of December 1943, in the case of United States citizens outside the States of the Union, the District of Columbia, and Hawaii on September 15, 1943; and for taxable years beginning after July 1, 1943, an extension of time for filing the declaration of estimated tax otherwise due on or before the 15th day of the third month of the taxable year is hereby granted to and including the 15th day of the sixth month of the taxable year in the case of United States citizens outside the States of the Union, the District of Columbia, and Hawaii on the 15th day of the third month of the taxable year.

An extension of time for filing the declaration of estimated tax automatically extends the time for paying the estimated tax (without interest) for the same period.

**§ 29.58-7 Publicity of returns.** The declaration of estimated tax constitutes, within the meaning of section 55, a return. Hence, the rules provided under that section with respect to publicity of returns are equally applicable to decla-

rations of estimated tax. See section 55 and regulations thereunder.

**§ 29.58-8 Payment of estimated tax—**

(a) **General.** Section 59 provides that if the declaration of the estimated tax is made on or before the 15th day of the third month of the taxable year, such tax may be paid at the time of filing the declaration or in four equal installments. In such case the first installment shall be paid at the time of filing the declaration, the second installment on or before the 15th day of the sixth month, the third installment on or before the 15th day of the ninth month and the fourth installment on or before the 15th day of the 12th month of the taxable year.

If the declaration of estimated tax is filed after the 15th day of the third month of the taxable year (otherwise than by reason of an extension of time), the estimated tax shall be paid at the time of filing the declaration or in equal installments the number of which is equal to the number of quarters remaining in the taxable year (including the quarter in which the declaration is filed). Thus, since the first declaration of estimated tax for the calendar year 1943 is required to be filed on or before September 15 of that year, the estimated tax for such year must be paid at the time of filing the declaration or in two equal installments, one on or before September 15, and the other on or before December 15, of that year. For the fiscal year beginning June 1, 1943, and ending May 31, 1944, the declaration is required to be filed on or before September 15, 1943, and one-third of the estimated tax shown on such declaration shall be paid on or before September 15, 1943, one-third on or before February 15, 1944, and one-third on or before May 15, 1944, unless the taxpayer elects to pay two or more installments of the estimated tax at the time of filing the declaration. If due to the nature and amount of his gross income or his then existing marital status a declaration for the calendar year 1944 is not required to be filed on or before March 15, 1944, but a change in such gross income or marital status occurs so that a declaration is filed on June 15, 1944, the estimated tax for the calendar year 1944 may be paid in three installments, on or before June 15, on or before September 15 and on or before December 15, 1944.

If the taxpayer files an amended or revised declaration of estimated tax, the installments remaining unpaid as of the date of such filing shall be ratably increased or decreased, as the case may be, to reflect any change made in the previously estimated tax by such amendment or revision. For example, the taxpayer filed on March 15, 1944, a declaration of estimated tax for the calendar year 1944 showing the amount of such tax as \$600. An installment of \$150 was paid at the time of making such declaration. However, based on facts arising subsequent to the date of the original declaration but which could not be reasonably foreseen as at that date, the taxpayer on June 15, 1944, filed an amended declaration showing an estimated tax

for the taxable year 1944 of \$300 instead of the \$600 originally estimated. Based on the amended declaration, the installments of estimated tax required to be paid on or before June 15, September 15 and December 15 in each case will be \$50.

At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for the payment.

The payment of any and every installment of the estimated tax for any taxable year shall be treated as a payment on account of the income tax for such taxable year. Hence, upon the return, Form 1040, or Form 1040A, as the case may be, for such taxable year will appear as payments to be applied against the tax shown on such return the aggregate amount of the payments of estimated tax.

The regulations generally applicable to extensions of the time for the payment of the tax or any installment thereof are likewise applicable to extensions of time for the payment of estimated tax, except that extensions of time for payment of the estimated tax or any installment thereof shall be without interest. See § 29.56-2.

(b) **Farmers.** In the case of an individual whose estimated gross income from farming is at least 80 percent of his total gross income from all sources for the taxable year, special provisions are made with respect to the filing of the declaration, the payment of the tax and the penalties incurred. As to what constitutes income from farming within the meaning of this paragraph, see § 29.58-5 (a) (3). In such case the declaration is to be filed on or before the 15th day of the last month of the taxable year, and the entire amount of the estimated tax must be paid at that time.

(c) **Treatment of payments on account of 1942 tax.** In the case of a taxable year beginning in 1942, the liability for the tax for such taxable year 1942 is discharged as of September 1, 1943. However, any payments (other than interest and additions to the tax) made before September 1, 1943 on account of the 1942 tax are treated as payments on account of the estimated tax for the taxable year beginning in 1943. Taxpayers on the calendar year basis who elected to pay their 1942 tax in installments were required to pay one of such installments on March 15, 1943, and another on June 15, 1943. Such installments are treated as payments on account of the estimated tax for the taxable year 1943. In any case in which the payment of any of such installments due prior to September 1, 1943, is extended by the Commissioner prior to that date, such payment is likewise treated as a payment of estimated tax for 1943 and is required to be paid despite the fact that the provisions discharging the tax liability for 1942 are effective as of September 1, 1943. If the taxpayer should become delinquent prior to September 1, 1943, in the payment of his tax or any installment thereof, the fact that the liability for the tax for 1942 is discharged as of that

date does not relieve the taxpayer of his liability for payment of such installment. Such payment when made, however, is to be treated as a payment made on account of the estimated tax for 1943.

The amounts so treated as payment on account of the estimated tax for 1943 shall be applied against the estimated tax of the taxpayer for the taxable year 1943 as shown in his declaration of estimated tax for that year and shall thus reduce ratably the installments of the estimated tax shown thereon. Thus, if the estimated tax for 1943 is \$1,000 and the taxpayer being on the calendar year basis has paid two installments of 1942 tax liability each amounting to \$200, the estimated tax after the application of such payments is reduced to \$600 of which one-half is to be paid at the time of filing the declaration, namely, on or before September 15, 1943, and the remaining installment on or before December 15, 1943.

If, in the case of husband and wife, a joint return has been filed for the taxable year beginning in 1942, any payment due prior to September 1, 1943, made with respect to the tax liability shown thereon may, if separate declarations are made by the spouses for the taxable year beginning in 1943, be applied against the estimated tax of either spouse or may be divided between them in any manner they see fit. In any case in which a joint return has been filed by husband and wife for the taxable year beginning in 1942 but separate declarations are made for the taxable year beginning in 1943, the excess, if any, of the joint tax liability for 1942 over the aggregate tax on the separate declarations for 1943, which excess constitutes a part of the estimated tax for 1943, may be treated as a part of the estimated tax of either the husband or the wife, or may be divided between them as they see fit.

PAR. 2. There is inserted immediately after section 294 the following new section:

**§ 29.294-1 Additions to the tax—(a)**  
**General.** Section 294 (a) (3), (4), and (5) provides for certain additions to the tax in the case of:

(1) Failure to file timely a declaration of estimated tax;

(2) Failure to pay within the time prescribed any installment of the estimated tax; and

(3) Substantial understatements of the estimated tax.

These additions are in addition to the penalties prescribed by section 145 (relating to criminal penalties) for willful failure to make and file returns and declarations of estimated tax, for willful failure to pay over such tax and for willfully attempting to defeat or evade such tax.

(b) *Additions for specific failures on the part of the taxpayer with respect to the estimated tax—(1) Failure to file declaration.* Section 294 (a) (3) provides for an addition to the tax in the case of failure to make and file a declaration of estimated tax within the time prescribed. Such addition to the tax

shall be in an amount equal to 10 percent of the tax shown on the return after application of the credits claimed under section 32 for tax withheld at the source under section 143, section 35 (relating to the tax under subchapter D of chapter 9), and section 466 (e) (relating to the tax withheld on wages with respect to the victory tax).

(2) *Failure to pay installment of estimated tax.* Section 294 (a) (4) provides for an addition to the tax in the case of the failure to pay an installment of the estimated tax within the time prescribed in section 59 or within the time prescribed by the Commissioner pursuant to authority granted by sections 58 and 60. Such addition to the tax shall be in the amount of 2½ percent of the tax shown on the return (determined as set forth in (1)) but in no event shall such addition be less than \$2.50 for each installment with respect to which the failure occurs. In the case of husband and wife who file a joint declaration of estimated tax for the taxable year and subsequently file separate returns for such taxable year, the addition to the tax in the case of a failure to pay an installment of the estimated tax within the time prescribed shall be 2½ percent of the tax shown on the return (determined as set forth in (1)) of each spouse but not less than \$2.50 in the case of each spouse as to each installment with respect to which the failure occurs.

(3) *Substantial understatement of estimated tax.* Section 294 (a) (5) provides for an addition to the tax in the case of a taxpayer who makes a substantial underestimate of tax on his declaration. In the case of individuals, other than those exercising the election under section 60 (a), an addition to the tax is provided in the event that the amount of the estimated tax (increased by the amounts of the credits claimed on the return for taxes withheld at source under sections 143, 1622 and 466) is less than 80 percent of the tax shown on the return (determined without regard to such credits). In the event of a failure to file the required declaration, the amount of the estimated tax for the purposes of this provision is zero.

In the case of individuals exercising the election under section 60 (a), the addition to the tax is applicable if the amount of the estimated tax increased by the amount of the credit claimed on the return for taxes withheld at source on wages and the credit claimed on the return under section 32 is less than 66½ percent of the amount of the tax shown on the return (determined without regard to such credits).

The addition to the tax in any case in which there has been such understate-  
ment as comes within the scope of sec-  
tion 294 (a) (5) is an amount equal to:

(i) The excess of 80 percent of the tax shown on the return (or 66½ percent, in the case of farmers exercising the option under section 60 (a)) determined without regard to the credits claimed on the return under sections 32, 35, and 466 (e) over the amount of the estimated tax increased by the credits claimed on the return under such sections; or

(ii) 6 percent of the excess of the tax shown on the return determined without regard to the credits claimed on the return under sections 32, 35, and 466 (e), over the amount of the estimated tax increased by such credits,

whichever of (i) or (ii) is the lesser. These principles may be illustrated by the following example:

EXAMPLE. A files his declaration of estimated tax for the calendar year 1944 showing the amount he estimates as the tax under chapter 1 for the taxable year as \$800 (before application of credits for tax withheld at source) and the estimated credits for amounts withheld at the source of \$600, thus reaching an estimated tax of \$200. The tax shown on his return for such taxable year before the application of credits for tax withheld at source is \$1,200 and the credit claimed on the return for tax withheld at the source is \$700. In such case 80 percent of the tax shown on the return determined without regard to the credits is 80 percent of \$1,200, or \$960. The amount of the estimated tax, however, as shown by A upon his declaration was \$200, which amount increased by the amount of the credits claimed on the return for tax withheld at the source upon wages (\$700) amounts to \$900. The amount of 80 percent of the tax shown on the return for the taxable year, or \$960, is in excess of \$900 and, hence, A is subject to the penalty provided in section 294 (a) (5). The amount of the penalty in such case is (a) \$60 (\$960 minus \$900), or (b) 6 percent of \$200 (\$1,200 minus \$900) or \$18, whichever of (a) or (b) is the lesser. Since \$18 is the lesser of these amounts, the penalty is \$18.

PAR. 3. Section 29.56-1 is amended as follows:

(A) By striking out "143 and 144" in the first sentence thereof and inserting in lieu thereof "143, 144, 466, and 1622".

(B) By inserting in the second sentence thereof immediately after the word "individual" the following: "who does not have wages subject to withholding under section 1622".

(C) By striking out "The tax may" in the fourth sentence and inserting in lieu thereof the following: "Except in the case of an individual (other than an estate or trust and other than a nonresident alien individual who does not have wages subject to withholding under section 1622), the tax may".

(D) By inserting immediately after the first paragraph thereof the following new paragraph:

In the case of (1) individual citizens and residents of the United States (other than estates and trusts) and (2) nonresident alien individuals who have wages as defined in section 1621 (a) which are subject to withholding under section 1622, the privilege of installment payments of the tax does not apply with respect to taxable years beginning after December 31, 1942.

PAR. 4. Section 29.217-1 is amended as follows:

(A) By inserting in the first sentence thereof immediately after the word "individual" the following: "(but, as to taxable years beginning after December 31, 1942, only such individuals who do not have wages subject to withholding at the source under section 1622)".

(B) By inserting at the end thereof the following new paragraph:

In the case of nonresident alien individuals who have wages subject to withholding under section 1622, the general rule provided in the first paragraph of this section with respect to the filing of the return on or before the 15th day of the sixth month following the close of the fiscal year or on or before the 15th day of June, if the taxpayer is on the basis of the calendar year, has no application to taxable years beginning after December 31, 1942. Such latter aliens are required to file their returns and to pay the tax for such taxable years at the time prescribed generally for United States citizens and residents. Such aliens having been placed upon a current tax payment system applicable generally to United States citizens and residents, the provisions relative to the filing of returns and payment of tax in the case of such citizens and residents are equally applicable to such aliens. As to the time of filing the return in the case of United States citizens and residents, see sections 53 and 29.53-1.

PAR. 5. Section 29.218-1 is amended as follows:

(A) By inserting in the first sentence immediately after "nonresident alien individual" the following: "(but, as to taxable years beginning after December 31, 1942, only such individuals who do not have wages subject to withholding under section 1622)".

(B) By adding at the end thereof the following new sentences:

In the case of a nonresident alien individual who has wages subject to withholding at the source under the provisions of section 1622 the tax for taxable years beginning after December 31, 1942, is to be paid at the time provided in the case of United States citizens and residents. See § 29.56-1.

PAR. 6. Section 29.22 (b) (13)-1 is amended by inserting after the second paragraph of paragraph (a) thereof the following new paragraph:

In the case of a husband and wife domiciled in a State recognized for Federal income tax purposes as a community property State, the exclusion from gross income under section 22 (b) (13) operates before apportionment of the gross income of the spouses in accordance with community property laws. For example, a married man and his wife are domiciled in such a State and he is entitled to the benefit of the exclusion under section 22 (b) (13) as a member of the armed forces. He receives during 1943 compensation for active service in such forces in the amount of \$2,000. Of such amount only \$500 is taken into account in determining the gross income of both husband and wife.

PAR. 7. There is inserted immediately after section 421 the following new section:

**§ 29.421-1 Abatement of tax for members of the armed forces on death.** If an individual dies on or after December 7, 1941, and before the termination of the

present war as proclaimed by the President and while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, then

(a) The tax liability in the case of such individual under chapter 1 for the taxable year in which occurs the date of death is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated and if the amount of such tax is collected (regardless of the date of collection) the amount so collected shall be credited or refunded as an overpayment; and

(b) That amount of tax under chapter 1, or corresponding provisions of prior revenue laws, for taxable years prior to the taxable year in which occurs the date of death, which remains unpaid as at such date shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assessment shall be abated and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

If such individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 421 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax computed upon the separate income of such individual is of the sum of the taxes computed upon the separate incomes of such individual and his spouse, but in no event shall the amount so abated, credited, or refunded exceed the amount unpaid at the date of death. For such purpose the separate tax of each spouse shall be the tax computed under chapter 1 before the application of sections 32, 35, and 466 (e), but after the application of section 31, as if such spouse were required to make a separate return, except that each spouse shall be entitled to one-half of the personal exemption allowed on the joint return.

If an individual whose tax is cancelled under section 421 and his spouse filed a joint declaration of estimated tax for the taxable year in which occurs the date of death of such individual, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, according as his legal representative and his spouse may agree. Should they agree to treat the estimated tax paid pursuant to such joint declaration as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of death of such individual.

This section applies only if the death occurs while the individual is in active service. A person is in the active service of the military or naval forces if he is actually serving in such forces, not necessarily in the field or in the theater of war. Personnel in the inactive reserves

or on retirement are not in active service. Periods during which a person is absent from duty on account of sickness, wounds, leave, internment by the enemy or other lawful cause are periods of active service.

(Section 62 of the Internal Revenue Code (53 Stat., 32; 26 U.S.C., 1940 ed. 62), and sections 5, 7, and 8 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943.)

[SEAL] ROBERT E. HANAGAN,  
Commissioner of Internal Revenue.

Approved: November 12, 1943.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 43-18359; Filed, November 15, 1943;  
10:51 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

[Reg. 9]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### ANTHRACITE STANDARDS

Anthracite for domestic use has long been prepared toward standards of quality publicized for the entire industry, and most of the tonnage placed on the market is now prepared to such standards. However, with the increased demand for anthracite, some producers are shipping anthracite for space heating which is unsatisfactory for such use because it does not meet these standards. In order to provide adequate supplies of solid fuels for civilian requirements and to effect the proper distribution of such fuels, it is necessary that the anthracite primarily used for space heating be of a quality fit for such use.

Purchasers of anthracite for industrial use set their own standards and usually purchase on a quality specification basis. Hence, it is unnecessary to establish standards for such coal.

In order to effectuate the purposes of Executive Order No. 9332 and by virtue of the authority vested by that order, the following regulation is issued by the Solid Fuels Administrator for War.

**§ 602.161 Definitions.** For purposes of this regulation:

(a) "Anthracite" means that coal which is generally referred to as Pennsylvania anthracite and is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne; and is limited to the sizes generally known as broken, egg, stove, chestnut, pea, No. 1 buckwheat and No. 2 buckwheat (rice).

(b) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons.

(c) "Producer" means any person engaged in the business of mining or preparing anthracite.

(d) "Wholesaler" means any producer who sells anthracite to equipped retail dealers or unequipped retail dealers; any person who purchases and resells anthracite to equipped retail dealers; any person, except an equipped retail dealer, who purchases anthracite for resale to unequipped retail dealers; and any dock operator to the extent that he purchases and resells anthracite to persons other than the consumers thereof.

(e) "Equipped retail dealer" means any person who has storage facilities and truck scales; and who purchases anthracite from wholesalers for resale to consumers or unequipped retail dealers.

(f) "Unequipped retail dealer" means any person who is not an equipped retail dealer and who purchases anthracite from producers, wholesalers, or equipped retail dealers for resale to consumers.

**§ 602.162 Restrictions on shipments by producers, wholesalers, equipped retail dealers and unequipped retail dealers.** No producer or wholesaler shall ship any anthracite and no equipped or unequipped retail dealer shall deliver any anthracite if such anthracite has an ash content upon a dry basis in excess of the following percentages by volume for the sizes indicated:

	Percent
Broken, Egg, Stove, Chestnut, Pea	15
No. 1 buckwheat	16
No. 2 buckwheat (rice)	17

**§ 602.163 Damages for breach of contract.** No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this regulation.

**§ 602.164 Violations.** Any person who violates any provision of this regulation or who wilfully furnishes false or misleading information regarding the ash content of anthracite shipped or delivered by him, to the Solid Fuels Administrator for War, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administrator for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Cong., March 27, 1942).

**§ 602.165 Applications for modification and exception.** Any application for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such request for modification or exception.

This regulation shall take effect on the tenth day after the date of issuance with regard to the sizes, broken, egg, stove,

chestnut, and pea, and shall take effect on the thirtieth day after the date of issuance with regard to sizes No. 1 buckwheat and No. 2 buckwheat (rice).

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176).

Issued this 11th day of November 1943.

HAROLD L. ICKES,  
Solid Fuels Administrator for War.

[F. R. Doc. 43-18307; Filed, November 13, 1943; 9:59 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Office of Economic Warfare, Foreign Economic Administration

#### Subchapter B—Export Control

[Amtd. 118]

#### PART 801—GENERAL REGULATIONS

##### PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars: In the column headed "General license group" the group and country designation assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

Commodity and Department of Commerce No.	General license group
Miscellaneous, n. e. s.:	
Asbestos roofing, 9696.00	K
Asphalt roofing, 9693.00	K
Office Supplies, Miscellaneous:	
Typewriter ribbons, 9395.00, mounted on spools containing steel or other CMP material, 9395.00	62
Other, mounted or unmounted, 9395.00	K
Fodders and Feed:	
Babassu cake and meal, 1123.00	None
Coconut oil cake and meal, 1119.00, 1129.98	None
Copra oil cake & oil cake meal, 1129.05	None
Cottonseed cake, 1125.00	None
Cottonseed meal, 1121.00	None
Dairy & poultry feeds, mixed, (include calf manna), 1180.00	None
Feeds, prepared & mixed (include dried buttermilk), n. e. s., 1185.00	None
Feeds, n. e. s. (include apple pomace), 1199.00	None
Fish meal for feed, 1140.00	None
Hay, 1101.00	None
Hempseed oil cake and meal, 1119.00, 1129.98	None
Linseed cake, 1116.00	None
Linseed meal, 1122.00	None
Oil cake, n. e. s., 1119.00	None
Oil cake meal, n. e. s., 1129.98	None
Oyster shells, 1182.00	None
Soybean oil-cake meal, 1124.00	None
Wheat feeds, bran, middlings, etc., 1190.00	None
Meat products:	
Horse meat, 0022.00	None
Textile products:	
Neckties, cravats, mufflers and scarfs of all fibers, 3928.00	None
Starch filled book cloth, 3914.20	None
Window-shade cloth, 3913.00	None

**Commodity and Department  
of Commerce No.** **General  
license  
group**

Textile products—Continued.  
Textile manufacturers, n. e. s. (include secondhand clothing, hat trimmings), 3999.00 None

Vegetables and preparations:  
Olives (include green, ripe stuffed, or pickled olives in bottles, cans, kegs, or barrels), 1252.95 None

Vegetable products, miscellaneous:  
Corn flour, 2811.00 None

Wool manufactures:  
Bathing suits, wool, knit, 3675.00 None

Knit wearing apparel, n. e. s., 3679.00 None

Overcoats, suits & pants, boys', 3680.98 None

Overcoats, suits, & pants, men's, 3680.05 None

Women's & children's clothing, 3681.00 None

Wool or mohair manufactures, n. e. s., 3689.00 None

Shipments of commodities which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment, may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

With respect to those commodities listed herein under the headings "Fodders and Feed", "Meat Products", "Textile Products", and "Wool Manufactures" this amendment shall become effective November 18, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: November 10, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-18320; Filed, November 13, 1943; 9:42 a. m.]

[Amtd. 119]

#### PART 808—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO OTHER AMERICAN REPUBLICS

##### SPACE ALLOCATION FOR CERTAIN SHIPMENTS

Part 808, *Procedure relating to shipment of licensed exports to the other American republics*, is hereby amended in the following particulars:

1. Section 808.1 *Applicability* is hereby amended by deleting therefrom paragraph (b).

2. Section 808.3 *Space allocation for shipment of commodities weighing less than 2,240 pounds* is hereby amended to read as follows:

§ 808.3 *Space allocation for shipments weighing less than 2,240 pounds.*

(a) Bookings for shipments weighing

less than 2,240 pounds may be made by the exporter or his agent directly with the ship operator without the submission of an application for shipping space or compliance with the procedure set forth in § 808.5 to § 808.7, both inclusive, of this subchapter, except as specifically otherwise provided in this part. All such bookings are subject to the control of the War Shipping Administration and the Office of Exports who will fix the total amount of space on each ship which will be available for the carriage of such small shipments.

(b) Where the entire quantity of a commodity or commodities is ready to be shipped at the same time the exporter or his agent may not split such commodity or commodities into shipments weighing less than 2,240 pounds in order to arrange direct booking with the ship operator. Nothing herein contained shall prohibit the exporter or his agent from making partial or periodic shipments under § 804.2 (d) of this chapter.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: November 5, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-18321; Filed, November 13, 1943;  
9:42 a. m.]

## Chapter IX—War Production Board

### Subchapter B—Executive Vice-Chairman

**AUTHORITY:** Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 876, as amended by 55 Stat. 236 and 55 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

### PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Direction 3 to Priorities Reg. 3]

#### CONTAINERS

The following direction is issued pursuant to Priorities Regulation 3:

(a) *What this direction does.* This direction provides for the use of allotment symbols and preference ratings assigned for the purchase of MRO (maintenance, repair and operating supplies) to buy material for making wooden crates and wooden shipping containers in certain specified cases and points out that the use of allotment symbols and preference ratings assigned for the purchase of MRO to buy materials to make containers

in other cases is improper. It does not permit the use of MRO symbols and ratings to get fabricated containers or cut to size parts of containers.

(b) *Cases where the MRO symbol and rating may be used.* A person may use an allotment symbol or rating assigned to him for the purchase of MRO by CMP Regulation No. 5, CMP Regulation No. 5A or by any order in the P or U series, to buy material, including controlled material, needed for making wooden crates or other outer wooden shipping containers for packing his own products:

(1) Where no parts of the containers are made in a captive plant; and

(2) Where the containers or parts are made in a captive plant, but where he does not buy more than 50,000 board feet of lumber in any calendar quarter for making containers and parts of containers in the captive plant.

"Captive plant" means a separate plant, department or part of a department, owned and operated by a manufacturer of a product, in which wooden crates or other outer wooden shipping containers, or parts cut to size for them, are fabricated in production runs to one or more set specifications, for the shipment of the manufacturer's own products.

(c) *Cases where the MRO symbol or rating must not be used.* A person must not use an allotment symbol or rating assigned to him for the purchase of MRO by CMP Regulation No. 5, CMP Regulation No. 5A or by any order in the P or U series to buy:

(1) Materials needed to make any containers other than wooden crates or outer wooden shipping containers. For instance, he may not use the symbol or rating to buy fibreboard for boxes, paper for bags, or metal for cans or drums, regardless of the amount of the material he uses and regardless of whether he makes the containers or parts for sale to others or for packing his own product.

(2) Material needed for making any containers (or parts of containers) for sale empty to others.

(3) Material needed for making in a captive plant, wooden crates or other outer wooden shipping containers or parts (whether for packing his own products or for resale) if he buys more than 50,000 board feet of lumber in any calendar quarter for this purpose.

(d) *Applications for allotments or ratings where MRO symbol or rating cannot be used.* Any person who cannot use his MRO rating and symbol to get materials to make containers, and who needs an allotment of controlled material or a preference rating to get them, may apply to the War Production Board on Form CMP-4B, WPB-2613, (formerly PD-870) or other appropriate forms.

(e) *Interpretation No. 4 of CMP Regulation No. 5 superseded.* This direction supersedes Interpretation No. 4 of CMP Regulation No. 5.

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18310; Filed, November 13, 1943;  
10:24 a. m.]

### PART 982—MINES AND SMELTERS

[Interpretation 1 as Amended Nov. 13, 1943  
of Preference Rating Order P-56]

### APPLICABILITY TO CUTTING AND POLISHING OPERATIONS AT THE QUARRY

The following interpretation is issued with respect to Preference Rating Order P-56, as amended:

The term "producer" as defined in Preference Rating Order P-56 includes persons operating a quarry and also persons conducting further cutting and polishing operations at the quarry site, such as the manufacture of building stone and tombstones. These latter operations are included in the phrase "preparation for shipment, of the products of mining activity" appearing in paragraph (a) (1) (§ 982.1) of the order.

Since paragraph (e) of the order forbids "producers" from obtaining any materials under CMP Regulation 5, producers of tombstones or other stone products at the quarry site may not operate under this regulation but must get priorities assistance exclusively under Order P-56.

The manufacture of tombstones and structural stone at a separate plant away from the quarry is not covered by Order P-56, and priorities assistance for MRO supplies required in such operations may be obtained under CMP Regulation 5. Under CMP Regulation 5, a rating of AA-2 is assigned to persons engaged in the manufacture of structural stone, while persons engaged in the manufacture of tombstones and monuments may use the AA-5 rating which is assigned under that regulation to unlisted business.

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18309; Filed, November 13, 1943;  
10:23 a. m.]

### PART 1075—CONSTRUCTION

[Interpretation 2 to Conservation Order L-41]

The following interpretation is issued with respect to Conservation Order L-41:

Conservation Order L-41 (§ 1075.1) does not apply to the construction or erection of temporary motion picture sets of a kind which may be stored between the taking of pictures, nor to the incorporation of such temporary sets into permanent sets for the taking of a single motion picture. However it does apply to the construction of permanent outdoor motion picture sets and foundations for sets of a kind which are designed for use in more than a single picture at one location.

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18311; Filed, November 13, 1943;  
10:24 a. m.]

## PART 3208—SCHEDULED PRODUCTS

[Table 8 as Amended Nov. 13, 1943 to General Scheduling Order M-293]

## POWER DIVISION, OFFICE OF WAR UTILITIES

§ 3208.9 Table for Power Division.  
(a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293.

NOTE: Item 18 deleted Nov. 13, 1943.

Table of scheduled products	Designation	Applicable forms column <sup>1</sup>		
		1	2	3
1. Steam, hydraulic, or gas-propelled turbines unless designed for ship propulsion or aircraft use.	XZ		3120	
2. Turbine-generator sets (any combination of one or more turbines and electric generators built to operate as a set) unless designed for ship propulsion, aircraft use, or locomotive head-light service.	XZ		3120	
3. Steam engine-driven generator sets.	X		3003	
4. Diesel and natural gas engines, 750 r.p.m. and less, excluding equipment for marine use.	XZ	878	878	
5. Diesel and natural gas engine-driven generators, 750 r.p.m. and less, excluding equipment for marine use.	XZ	1801	2810	
6. Generators designed to be propelled by a steam, hydraulic or gas turbine or steam engine, unless designed for ship propulsion, aircraft use, or locomotive head-light service.	XZ	1801	3120	
7. Boilers, boiler units, and auxiliaries listed below, excluding those for marine or locomotive use:				
a. Water-tube steam boilers having 500 or more square feet of boiler heating surface (50 HP), designed to withstand a safe working pressure in excess of 15 pounds per square inch.	XYZ		1790	2645
b. Fire-tube steam boilers for waste heat service, downdraft vapor boilers, mercury vapor boilers, and electric boilers.	XYZ		1790	2645
c. Fire-tube steam boilers not included in b above which are designed to withstand a safe working pressure in excess of 15 pounds per square inch.	X		1790	

<sup>1</sup> A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003 or 3401 or on the form shown in Column 2 at his option.

Table of scheduled products	Designation	Applicable forms column			Table of scheduled products	Designation	Applicable forms column		
		1	2	3			1	2	3
7. Boilers, etc.—Con.					12. Power frequency changers, 62½ cycles and below.	XZ		1790	
d. The following boiler auxiliaries when incorporated in or to be installed as a part of a boiler unit listed in a or b above are to be included in reports and requests for approval under a and b above and no additional reports or requests are required:					13. Synchronous condensers.	XZ		1790	
(i) Superheaters.					14. Mercury arc rectifiers and electronic frequency changers for power use.	X		2792	
(ii) Desuperheaters.					15. Oil circuit breakers of 2,200 volts or higher.	XZ		1790	
(iii) Economizers.					16. Air circuit breakers except types AB, ET, or similar.	XZ		1790	
(iv) Airheaters.					17. Metal clad switchgear containing oil or air circuit breakers listed in 15 and 16 above and power switchboards.	XZ		1790	
(v) Water walls and water-cooled furnaces.					18. [Deleted Nov. 13, 1943.]	XYZ		1790	
e. The following boiler auxiliaries when not incorporated in or to be installed as a part of a boiler unit listed in a or b above:					19. Liquid-filled power or distribution transformers of 250 KVA and larger; unit substations and unit load centers containing such transformers.	XYZ		2642	2643
(i) Superheaters.					20. Liquid-filled power or distribution transformers 1½ KVA and larger; dry-type transformers with primary voltage 601 volts and above, dry type transformers with primary voltage 600 volts and below with capacities 201 KVA and above (single phase) or with capacities 301 KVA and above (three phase).	YZ		2643	
(ii) Desuperheaters.					21. Unit substations and unit load centers, containing transformers listed in 20 above.	YZ		2643	
(iii) Economizers.					22. Hammer forged, press forged, and cast crankshafts—finished.	XZ	878C	878C	
(iv) Airheaters.					23. Transformers, reactors, and chokes for non-power (electronic) applications only.		3002, 31		
(v) Water walls and water-cooled furnaces.									
8. Pulverizers and related combustion equipment installed for the primary purpose of pulverizing solid fuel for firing any type of furnace, excluding those for marine and locomotive use.	XZ		1790						
9. Automatic stokers designed for burning solid fuel, with an active projected grate surface in excess of 36 square feet, excluding stokers for locomotive and marine use. The term active projected grate surface means grate surface through which air supplied to the fuel bed, either continuously or intermittently.	XZ		1790						
10. Soot blowers—any device using steam or air to blow soot, cinders, or slag from the heating surfaces of furnaces, boilers, stills and other types of direct-fired heat exchangers, excluding those for locomotive or marine use.	XZ		1790						
11. Steam condensers (surface, jet and barometric), inter and after condensers, and air ejectors, or any combination thereof, including marine condensers and air ejectors other than those produced for the United States Navy for use on ships.	XZ		3003						

A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization unless the product is also in Class Z and he is placing the order under paragraph (e) of M-293.

A person placing an order for a Class Z product under paragraph (e) of M-293 must use Form WPB-3003, 3400, or 3401, as specified in the instructions he received, to accompany his purchase order. If the product is also Class Y, he should use that same form to obtain WPB authorization instead of the form shown in Column 3.

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18312; Filed, November 13, 1943;  
10:23 a. m.]

## FEDERAL REGISTER, Tuesday, November 16, 1943

PART 3208—SCHEDULED PRODUCTS  
 Table 9 as Amended Nov. 13, 1943 to General Scheduling Order M-2931

## RADIO AND RADAR DIVISION

**§ 3208.10 Table for Radio and Radar Division.** (a) The following amended table is issued pursuant to the provisions of General Scheduling Order M-293:

Type of scheduled products M-283	Applicable forms column 1			Type of scheduled products M-283	Applicable forms column 1		
Designation	1	2	3	Designation	1	2	3
1. Capacitors (fixed)				6. Electrical test equipment and test instruments etc.—Continued.			
a. Ceramic capacitors				(c) Radio frequency measuring equipment:			
b. Electrolytic capacitors				(1) Wave meter-absorption type:			
c. Metal capacitors				(2) R.F. noise meter	3001.21	3243	
d. Paper capacitors				(3) Field strength meter	3002.21	3001.21	3243
e. Capacitors for power factor correction (raided in K. V. A.)				(4) Calibrator	3002.21	3001.21	3243
X	3002.16	2809		(5) Modulation monitor	3002.21	3001.21	3243
				(6) Interpolation oscillator	3002.21	3001.21	3243
				(7) Interference measuring equipment:	3002.21	3001.21	3243
				(a) Audio frequency meters, electronic	XX	3002.21	3001.21
				(b) Analyzer, wave or harmonic	XX	3002.21	3001.21
				(c) Interference measuring equipment:	XX	3002.21	3001.21
				(i) Laboratory oscilloscope	XX	3002.21	3001.21
				(ii) Service oscilloscope	XX	3002.21	3001.21
				(iii) Signal tracer	XX	3002.21	3001.21
				(iv) Q meter	XX	3002.21	3001.21
				(f) Bridges:			
				(1) Wheatstone	XX	3002.21	3001.21
				(2) Megohm	XX	3002.21	3001.21
				(3) Kelvin	XX	3002.21	3001.21
				(4) Resistance limit	XX	3002.21	3001.21
				(5) Impedance	XX	3002.21	3001.21
				(6) Capacitance	XX	3002.21	3001.21
				(7) Capacitance limit	XX	3002.21	3001.21
				(8) Inductance	XX	3002.21	3001.21
				(g) Miscellaneous electronic equipment:			
				(1) Stroboscopes	XX	3002.21	3001.21
				(2) Laboratory audio frequency amplifiers	XX	3002.21	3001.21
				(3) Sound and vibration meters	XX	3002.21	3001.21
				(4) Direct current amplifiers	XX	3002.21	3001.21
				(5) Precision variable condensers	XX	3002.21	3001.21
				(h) Electrical test instruments (including portable instruments). An electrical test instrument of the general types listed below is one normally connected to the circuit under test for a temporary reading. (Portable instruments such as portable voltmeters and ammeters are included in this group.) The model number designations below apply to the instruments which are given that identification by the manufacturer, and the provisions of this order apply to those instruments regardless of any different identification given them on purchase orders or otherwise. No person shall avoid the provisions of this order by changing any model number designation specified below.			
				1. Testers:			
				A. Vacuum tube voltmeters, electronic Volt-Ohmmeters, and Volt-Ohm-Milliammeters (all models)	3002.21	3001.21	3243
				B. Hewlett-Packard Company: Model 400-A	3002.21	3001.21	3243
				C. Bell Telephone Laboratories, Inc.: Model 300-A	3002.21	3001.21	3243
				D. General Radio Company: Model 738-A	3002.21	3001.21	3243
				E. Hickok Electrical Inst. Co.:			
				Model 110—			
				Model 202—			
				Radio City Products: Model 602			
				Precision Apparatus Company: Model EV-10.			
				Mode 1-107—			
				B.C.A. Victor Division of RCA: Model 165-A			
				All other models—Purchase orders for 5 or more units			
				B. High sensitivity (20,000 ohms per volt and over, not electronic) (Volt-Ohmmeters and Volt-Ohm-Milliammeters, including instruments with decibel and capacity ranges)			
				Triplet Electrical Inst. Co.:			
				Model 1200-F			
				Model 1200-E			
				Weston Electrical Inst. Corp.:			
				Model 772—			
				Model 785 (All types)			
				Simpson Electric Co. Model 215			
				Triumph Manufacturing Company Model 351			
				Supreme Instruments, Inc., Model 352			
				All other models—Purchase orders for 5 or more units			
				C. Medium sensitivity (5,000 to 19,000 ohms per volt sensitivity) Volt-Ohm-Milliammeters, including instruments with decibel and capacity ranges			
				All other models—Purchase orders for 5 or more units			

<sup>1</sup> A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003, 3401, or on the form shown in Column 2.  
 A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization.

Type of scheduled products M-293	Designa- tion	Applicable forms column		
		1	2	3
1. Testers—Continued.				
D. Low sensitivity (below 5,000 ohms per volt sensitivity) Volt-Ohm-meter, Volt-Ohm-Milliammeter including instruments with decibel and capacity ranges.				
Clough-Brenkle Company: Model OAE (285).	XY	3002.21	3001.21	3243
Weston Electrical Instrument Corp.:		3002.21	3001.21	3243
Model 564.	XY	3002.21	3001.21	3243
Model 665.	XY	3002.21	3001.21	3243
Model 697.	XY	3002.21	3001.21	3243
Triplet Electrical Inst. Co.:				
Model 666.	XY	3002.21	3001.21	3243
Model 666H.	XY	3002.21	3001.21	3243
Model 1200A.	XY	3002.21	3001.21	3243
Supreme Instruments, Inc.:				
Model 537.	XY	3002.21	3001.21	3243
Model 543.	XY	3002.21	3001.21	3243
Model 543-S (TE-50).	XY	3002.21	3001.21	3243
Precision Apparatus Company: Model 844.	XY	3002.21	3001.21	3243
Simpson Electric Company:				
Model 230.	XY	3002.21	3001.21	3243
Model 235.	XY	3002.21	3001.21	3243
Model 240.	XY	3002.21	3001.21	3243
Model 324.	XY	3002.21	3001.21	3243
Model 443.	XY	3002.21	3001.21	3243
All other models—Purchase orders for 5 or more units.	Y			3243
2. Tube testers (All types including combination tube and set testers).				
General Communications Company Electronic Tube Tester.	XY	3002.21	3001.21	3243
Precision Apparatus Company:				
Model 910.	XY	3002.21	3001.21	3243
Model 920.	XY	3002.21	3001.21	3243
Supreme Instruments, Inc.: Model 504A.	XY	3002.21	3001.21	3243
Triplet Electrical Inst. Co.:				
Model 1183 SC.	XY	3002.21	3001.21	3243
Model 1213.	XY	3002.21	3001.21	3243
Model 1612.	XY	3002.21	3001.21	3243
Model 1613.	XY	3002.21	3001.21	3243
Hickok Electrical Instrument Co.:				
Model 510.	XY	3002.21	3001.21	3243
Model 530.	XY	3002.21	3001.21	3243
Model 540.	XY	3002.21	3001.21	3243
Model 545.	XY	3002.21	3001.21	3243
Model 550X.	XY	3002.21	3001.21	3243
Model 560.	XY	3002.21	3001.21	3243
All other models—Purchase orders for 5 or more units.	Y			3243
3. Output meters.				
Radio City Products Model 471.	XY	3002.21	3001.21	3243
Daven Company:				
Model D-180.	XY	3002.21	3001.21	3243
Model OP-182.	XY	3002.21	3001.21	3243
Model OP-193.	XY	3002.21	3001.21	3243
General Radio Company:				
Model 483.	XY	3002.21	3001.21	3243
Model 583.	XY	3002.21	3001.21	3243
Simpson Electric Company Model 427.	XY	3002.21	3001.21	3243
Triplet Electrical Inst. Co. Model 650 SC.	XY	3002.21	3001.21	3243
Weston Electrical Inst. Co. Model 571.	XY	3002.21	3001.21	3243
All other models on purchase orders of \$25.00 net or more under this heading.	Y			3243
4. Ohmmeters, megohmmeters, and megger testers.				
Shallcross Manufacturing Company: Model 684.	XY	3002.21	3001.21	3243
James G. Biddle Company:				
Model 703.	XY	3002.21	3001.21	3243
Model 704.	XY	3002.21	3001.21	3243
Model 705.	XY	3002.21	3001.21	3243
Weston Electrical Inst. Corp.: Model 796.	XY	3002.21	3001.21	3243
All other models on purchase orders of \$25.00 net or more under this heading.	Y			3243
5. Portable electrical indicating instruments.				
Weston Electrical Inst. Corp.: Model 622.	XY	3002.21	3001.21	3243
Rawson Electrical Instrument Co.:				
Model 501.	XY	3002.21	3001.21	3243
Model 501A.	XY	3002.21	3001.21	3243
Model 502.	XY	3002.21	3001.21	3243
Model 502A.	XY	3002.21	3001.21	3243
Sensitive Research Instrument Co.: All models.	XY	3002.21	3001.21	3243
All other models—Purchase orders for 100 or more units.	Y			3243
7. Vacuum tubes, electronic (excluding X-ray tubes and tungar type rectifiers).		1093		

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18313; Filed, November 13, 1943;  
10:23 a. m.]

#### PART 3292<sup>1</sup>—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-158, as Amended  
Nov. 13, 1943]

#### PRODUCTION OF REPLACEMENT PARTS FOR MOTOR VEHICLES

The fulfillment of requirements for the defense of the United States having

<sup>1</sup>Formerly Part 1297, § 1297.1.

created a shortage in the supply of aluminum, chromium, copper, nickel, and other materials required for the production of replacement parts for passenger automobiles, light, medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3292.46 Limitation Order L-158, as amended November 13, 1943—(a) Definitions. For the purpose of this order: (1) "Replacement parts" for passenger automobiles, light, medium and heavy motor trucks, truck-trailers, passenger carriers, off-the-highway motor vehicles

and motorized fire equipment means only the following enumerated items, and the components entering into such items, which are produced for use in the repair, maintenance or improvement of such vehicles, but does not include any parts specially designed for military vehicles:

(i) For all vehicles: (1) engines, less starting, ignition and fuel systems, (2) clutches, (3) transmissions, (4) propeller shafts, (5) universal joints, (6) axles, (7) braking systems, (8) wheels, (9) tire valve assemblies, (10) starting apparatus, (11) frame and spring suspension assemblies, except spring covers and spring clip spacer tubes, (12) shock absorbers, (13) speedometers, (14) driving mirrors, (15) windshield wiper assemblies, (16) steering apparatus, (17) exhaust systems, (18) cooling system, including radiator shells supporting radiator cores, (19) fuel systems, but not locking-type gas caps, (20) bulk tubing other than copper for fuel, oil, brake and door-actuating lines, (21) lubricating system, including fittings, (22) electrical systems, including generators, motors, lamps (but not bulbs), signal horns, and bulk and spool (a) primary wire (b) spark plug wire and (c) battery cable, the last three items only in lengths of 100 ft. maximum, (23) safety glass and channels, (24) hood, door, window and rear deck actuating mechanisms, (25) front fenders, but only types which house or hold headlights, (26) windshield defrosters (components only), (27) heater hose.

(ii) In addition, but only for medium and heavy motor trucks, truck-trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment: (28) power dividers and take offs, (29) governors, (30) transfer cases, (31) coupling devices, (32) trailer landing gears, (33) cabs and seats, (34) front fenders without limitation as to type, (35) hoods, (36) truck refrigeration units, (37) liquid measuring gauges, (38) body mechanical and hydraulic hoists (component parts only), (39) tachometers, (40) doors and door hardware, (41) marker, clearance and identification lamps, spot lamps (internally controlled only), fog lamps and back-up lamps, (42) fuses and flares, (43) signaling devices, (44) reflex reflectors, (45) windshield defrosters, (46) truck and bus traction sanders.

(iii) In addition, but only for passenger carriers and motorized fire equipment: (47) body structural repair parts, (48) sash, (49) destination signs, (50) fare boxes, (51) guards and grab rails, (52) door-operating mechanisms, (53) heating and ventilating equipment.

(2) "Rebuilt or reconditioned parts" means any replacement parts (defined in paragraph (a) (1) above) which have been used and restored for use through rebuilding or reconditioning operations.

(3) "Parts consumed in use" means those parts whose function in the operation of the vehicle results in a dissipation or deterioration of material, either in whole or in part, so that the residue has little or no salvage value.

(4) "Ignition contacts" means tungsten tipped parts such as screws, rivets, levers, arms or discs which are com-

nents of ignition circuit breaker assemblies.

(5) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(6) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(7) "Medium and heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(8) "Truck trailer" means a complete semi-trailer or full trailer designed for transportation of property or persons, or the chassis therefor.

(9) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than eleven (11) persons.

(10) "Off-the-highway motor vehicle" means a motor truck, truck-tractor or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects, or the chassis therefor.

(11) "Motorized fire equipment" means the chassis of a passenger automobile, light, medium or heavy motor truck, truck-tractor or trailer, used for the transportation of fire-fighting personnel or equipment.

(12) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture of replacement parts, as defined in paragraph (a) (1) above.

(13) "Supplier" means a person who supplies a producer with materials or component parts for the production or assembly of replacement parts.

(14) "Distributor" means any person not a producer or supplier whose business consists, in whole or in part, of the sale of replacement parts, as defined in paragraph (a) (1) above, from inventory. Distributor includes wholesalers, jobbers, dealers, retailers and other persons performing a similar function including garages and service stations.

(15) "Consumer" means the owner or operator of the automotive vehicle for which replacement parts are required, or the user of such replacement parts for any other purpose, not including the Army or Navy of the United States, the United States Maritime Commission, and other agencies listed in paragraph (o) (1) below.

(16) "Inventory" means a stock of new replacement parts held by a distributor for his own account. Inventory does not include any new replacement parts held on consignment or any "as is", rebuilt, reconditioned or reconditionable parts.

#### *Provisions Relating to Production*

(b) *Production of certain parts to be made as if orders were rated AA-1 and others AA-2X.* Notwithstanding the

provisions of Priorities Regulation No. 1, part 944, until April 1, 1944 replacement parts, for medium and heavy motor trucks, truck trailers, passenger carriers, off-the-highway motor vehicles and motorized fire equipment, enumerated in paragraph (a) (1), except items (41) to (46) inclusive, must be produced as if the orders therefor bore a preference rating of AA-1. Replacement parts, for passenger automobiles and light trucks, enumerated in paragraph (a) (1) and also items (41) to (46) inclusive, must be produced as if the orders therefor bore a preference rating of AA-2X.

(c) *Correction of critical shortages.* Whenever the War Production Board determines that a critical shortage exists in respect to replacement parts, the Board may order any producer or supplier to schedule and deliver his production in such manner as will relieve the shortage; and in addition, may direct any producer or distributor to deliver or sell to any other person, at regularly established prices and terms, such quantities of replacement parts available for civilian distribution as the War Production Board may determine.

(d) *Production restricted to enumerated replacement parts; use of critical materials.* (1) No producer shall manufacture any parts for use in the repair, maintenance or improvement of passenger automobiles, light, medium and heavy trucks, truck trailers, passenger carriers, off-the-highway motor vehicles or motorized fire equipment except the items, and their components, enumerated in paragraph (a) (1) above as items (1) to (53) inclusive.

(2) In the production of such parts no materials shall be used which are prohibited by any orders, regulations or other restrictions on the use of critical materials now or hereafter issued by the War Production Board.

#### *Standardization and Simplification Provisions*

(e) *Pistons and bearings.* On and after November 15, 1943, producers shall make replacement pistons, piston pins, piston rings and engine bearings as components of engines, only according to the following standards:

(1) Pistons as components of engines only in standard sizes and the following oversizes: .005, .020, .030, .040, .060 and semi-finished.

(2) Piston pins as components of engines only in standard sizes and the following oversizes: .003, .005, .010.

(3) Piston rings as components of engines only in standard sizes and the following oversizes: .005, .020, .030, .040, .060; and in addition, for medium and heavy trucks and busses, .080, .100.

(4) Engine bearings as components of engines only in standard sizes and the following undersizes: .002, .010, .020, .030, .040, .060, .090 and semi-finished. In addition, connecting rod bearings with oversize outside diameter, and the "special length Ford main bearings".

(f) *Ignition contacts.* On and after December 1, 1943, all discs cut from tungsten contact rod for ignition contacts for all vehicles shall be cut to a

thickness not exceeding .030 inch, plus a tolerance of .002 inch.

#### *Provisions Relating to Distributors' Inventories*

(g) *Restrictions on distributors' inventories.* (1) No distributor of replacement parts whose place of business is located in the eastern or central war time zone shall accept delivery of new replacement parts which, in combination with his existing inventory of new replacement parts, measured in total dollar cost value, will exceed a sixty-day (60) supply. Sixty-day supply means a supply in dollar cost value equal to the distributor's total sales, at his cost, of such new parts in the preceding two months period.

(2) No distributor of replacement parts whose place of business is located in any other war time zone shall accept delivery of new replacement parts which, in combination with his existing inventory of new replacement parts, measured in total dollar cost value, will exceed a ninety-day (90) supply. Ninety-day supply means a supply in dollar cost value equal to the distributor's total sales, at his cost, of such new parts in the preceding three months period.

(3) Irrespective of the restrictions in subparagraphs (1) and (2) above, a distributor may accept delivery of specific items of replacement parts even though his inventory then exceeds, or will by reason of such acceptance exceed, his maximum permissible inventory as specified in subparagraphs (1) and (2) above. The quantity of such specific items in dollar cost value shall not exceed the dollar cost value of his sales of such items during the preceding thirty days or the last thirty-day period in which a sale was made if the distributor is located in the eastern or central war time zones, and forty-five days in all other zones.

(h) *Return of new replacement parts.* New replacement parts, returned by a distributor to another distributor, if not included in the inventory of the person receiving the parts during the calendar quarter in which received shall be included in his inventory in the next succeeding calendar quarter.

(i) *Disposition of traded-in used parts.* No distributor may keep in his inventory, in his possession or under his control any used replacement parts which have been traded in and cannot be reconditioned for a period of more than thirty (30) days after they have been determined to be unserviceable, but he must dispose of them through customary disposal or scrap channels. Traded-in parts which can be reconditioned must be reconditioned, or returned to be reconditioned, as quickly as minimum quantities will permit.

(j) *Traded-in ignition contact points to be reclaimed.* As tungsten is a highly critical material, traded-in ignition contact points must be saved for possible reclamation. Therefore, they may not be scrapped. Where distributors can not reclaim the tungsten contacts for reuse, they must return them through normal trade channels to producers or suppliers for reclamation.

*Provisions Relating to Distribution*

(j) *No preference ratings required for delivery of replacement parts for resale.* No producer or distributor shall require any preference ratings for the purchase or the delivery of finished replacement parts for resale as such, except on Army, Navy, Maritime Commission and War Shipping Administration orders as provided in paragraph (L). All deliveries of such parts for resale or to consumers may be made as if the orders therefor bore the preference ratings assigned to their production in paragraph (b), and without regard to orders bearing a lower rating. In addition, the provisions of this paragraph are applicable to orders for finished parts required for rebuilding or reconditioning operations.

(k) *Parts for emergency repairs—(1) How to order parts.* Notwithstanding the provisions of paragraph (g) above, a distributor may order and accept delivery of replacement parts which he does not have in stock when required by a consumer for the emergency repair of a particular vehicle which cannot be operated without such parts. In such emergency, a distributor must file with his order to the producer a certificate in the following form:

## CERTIFICATE FOR EMERGENCY REPAIR ORDER

## AUTOMOTIVE REPLACEMENT PARTS

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that the replacement parts specified in the attached order are essential for the repair of the following vehicle, which cannot now be operated without such parts:

Make \_\_\_\_\_ Engine number \_\_\_\_\_  
 Signed \_\_\_\_\_  
 (Firm, partnership or corporation)  
 By \_\_\_\_\_  
 (Name and title of individual)

Dated: \_\_\_\_\_  
 Address of firm, partnership or corporation.

A copy of the certificate must be retained by the distributor issuing it as a part of his records.

(2) *Emergency repair orders take preference.* A producer receiving an order accompanied by a Certificate for Emergency Repair must give such order precedence in shipment over other orders not of an emergency nature.

(3) *Use of certificate restricted.* The Certificate for Emergency Repair may be used only to secure essential replacement parts for emergency repairs as described in this paragraph (k). It must not under any circumstances be used by a distributor to replenish his stock.

(1) *Preference ratings of AA-2X or higher required on sales by distributors to army, navy and maritime commission.* Irrespective of the provisions of this order, no distributor shall sell or deliver any replacement parts, as enumerated in paragraph (a) (1) above, to the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration except upon receipt of an order bearing a preference rating of AA-2X or higher.

(1) *Additional provisions for army orders.* Purchase orders for replacement parts (except parts for "post exchange" vehicles) submitted to distributors by

the Army must specify, in accordance with War Department instructions, the type, manufacturer, model and United States Army registration number of vehicles covered by the purchase order; and must carry a certification that such vehicles are "dead-lined" for emergency repair. Delivery by distributors of replacement parts against such orders for the Army must be limited to replacement parts in distributors' inventory available for immediate delivery.

(m) *Restrictions on sales to consumers—(1) No sale of new parts where old part can be rebuilt or reconditioned.* No new replacement part shall be sold or delivered to a consumer to replace a part which the producer or distributor can rebuild or recondition by use of available local reconditioning facilities.

(2) *Used part to be turned in.* No producer or distributor shall sell or deliver any replacement part either new, used or rebuilt, to a consumer unless the consumer turns in to the producer or distributor, concurrently with his purchase, a used replacement part of similar kind and size for each such replacement part delivered to the consumer. However, a used replacement part need not be turned in in the following cases:

(i) Where the used part has been consumed in use, lost or stolen;

(ii) Where the used part is a cab assembly;

(iii) Where the consumer is a Federal or Territorial Department, Bureau or Agency, or a State or political subdivision thereof, which is forbidden by law from making such disposal of replacement parts;

(iv) Where the new or rebuilt part is ordered by telephone, telegraph or mail, or is to be installed by the purchaser.

(v) Where the new part to be purchased by the consumer will improve the efficiency of the vehicle, its capacity or usefulness, such parts being as follows: for all vehicles—oil filters; for medium and heavy trucks, truck trailers, passenger carriers, off-the-highway motor vehicles and motorized fire and police equipment—auxiliary springs, trailer connections, brakes, fifth wheels, auxiliary fuel tanks, governors, landing gears, heavy duty generators, auxiliary transmissions, power take-offs, heavy duty trailer axles, wheels and rims which do not increase tire sizes, marker, clearance and identification lamps, spot lamps (internally controlled only), fog lamps and backup lamps, signaling devices, reflex reflectors, windshield defrosters, truck and bus traction sanders.

(3) *Use of consumer's certificates.* In any of the cases provided for in subparagraphs (2) (i), (ii), (iv), and (v) above, in which the consumer is not required to turn in a used part, he must sign and deliver to the producer or distributor concurrently with each purchase, or on the written confirmation thereof if the order is placed by telephone or telegraph, a Consumer's Certificate in the following form:

CONSUMER'S CERTIFICATE  
AUTOMOTIVE REPLACEMENT PARTS

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that: (a) the replacement parts covered

by this certificate are essential for the maintenance, repair or improvement of equipment he now owns or operates; (b) these parts will be used to replace parts which, to the best of his knowledge, cannot be rebuilt or reconditioned by use of available facilities; and (c) he will, within thirty days after receiving the parts, dispose of the old parts, if any through scrap channels.

(Signed) \_\_\_\_\_

Vehicle owner or operator.  
Date: \_\_\_\_\_ Address \_\_\_\_\_

The foregoing Consumer's Certificate must be retained by the producer or distributor making the sale to the consumer as part of his records.

(4) *Emergency stocks for truck and passenger carrier fleet operators.* On and after December 31, 1943, any owner or operator of a fleet of twenty-five (25) or more medium or heavy trucks, passenger carriers or off-the-highway motor vehicles may, without turning in a similar used part or filing a Consumer's Certificate, purchase engines, less starting, ignition and fuel systems; transmission assemblies; and rear axle assemblies; in quantities not exceeding one each such part for every twenty-five (25) vehicles, or multiples of twenty-five (25) which he maintains in service currently licensed.

## Miscellaneous Provisions

(n) *Applicability of War Production Board regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time except where otherwise stated.

(o) *Exceptions to applicability of this order.* (1) The terms and restrictions of this order, except as provided for in paragraph (c) and (L) above, shall not apply to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Offices of Scientific Research and Development.

(2) The terms and restrictions of this order entitled Provisions Relating to Distributors' Inventories and Provisions Relating to Distribution shall not apply to any person located outside of the forty-eight (48) states and the District of Columbia.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(q) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate with the Field Office of the War Production Board nearest the appellant's place of business,

referring to the particular provision appealed from and stating fully the grounds for appeal.

(r) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Ref.: Order L-158.

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### INTERPRETATION 1

##### RESIZING OF ENGINE PISTONS AND BEARINGS BY PRODUCERS' BRANCHES

The question of resizing engine pistons and bearings in the field to sizes other than those specified in paragraphs (e) (1) and (e) (4), respectively, of § 3292.46, Limitation Order L-158, has been the subject of some uncertainty in the industry. In order to clarify the order, with respect to the intent of these paragraphs, the following interpretation is hereby issued:

Producers' direct factory branches of warehouses, wholly owned or controlled by them, may finish engine pistons and bearings to any intermediate sizes not specified in paragraphs (e) (1) and (e) (4), respectively, of Limitation Order L-158, when ordered from the factory branch by a customer for immediate use in a specific engine. None of these intermediate sizes may be ordered from a factory branch for stock or to be held in inventory. A certificate for emergency order, as provided for in Order L-158, paragraph (k), should accompany each order placed with the factory branch for the intermediate sizes other than those specified in the paragraphs mentioned above, as a means of identifying the need for the part in a specific vehicle. (Issued Oct. 1, 1943.)

[F. R. Doc. 43-18314; Filed, November 13, 1943;  
10:23 a. m.]

#### PART 3281—PULP AND PAPER

[Direction I to General Conservation Order  
M-241]

##### PAPER AND PAPERBOARD

*Reserve production percentages.* Effective December 1, 1943 and until otherwise directed, each manufacturer of paper or paperboard shall, instead of the 10% reserve fixed by paragraph (d) of order M-241, reserve in each calendar month in the production of each of his mills, time and supplies sufficient to produce and deliver within such month the following percentages of the mill's finished production:

Class:	WPB-514 caption	Percent
Paperboard	50000 to 59900 Inc	35
Paper	All other captions	15

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. Joseph Whelan,  
Recording Secretary.

[F. R. Doc. 43-18343; Filed, November 13, 1943;  
4:05 p. m.]

#### PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257 as Amended Nov.  
15, 1943]

The fulfillment of requirements for the defense of the United States has created

a shortage in the supply of critical materials entering into the manufacture of farm machinery and equipment and repair parts therefor, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

##### § 1029.15 Limitation Order L-257—

(a) *What this order does.* This order describes the rules governing the manufacture of farm machinery and equipment and repair parts for sale in the continental United States and possessions. (Manufacture for export is covered by Order L-257-a.) To aid manufacturers in planning a continuous production cycle, it is the intention that this will be the basic order from year to year. However, it is expected that a new schedule of quota percentages will be issued as a part of the order each year for the "current quota period" starting July 1 of that year, and this will become the "applicable schedule" for that period. For example, the applicable schedule for the period July 1, 1943 to June 30, 1944, is Schedule A; for the following twelve-month period starting July 1, 1944, the new applicable schedule might be called Schedule B, etc. In order that producers may plan their production and order materials in advance, they may assume that the schedule in effect at any particular time will continue into the next "current quota period", until such time as a new schedule is issued. At present, there is no quota limitation on repair parts.

In addition to quota and other limitations on manufacture, this order also has rules on the filing and approval of production schedules, covering machinery and equipment (both farm and non-farm) and repair parts. Producers affected must stick to their schedules, with certain exceptions, so that the various programs, both farm and non-farm, can be met on time.

(b) *Definitions.* For the purpose of this order (and any orders supplementary hereto, unless otherwise indicated):

(1) "Producer" means any person, other than a supplier, to the extent that he is actively engaged in the current manufacture (in the United States) of farm machinery and equipment or of repair parts for farm machinery and equipment, but does not include any person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941.

(2) "Small producer" means any producer whose total net sales (including exports and sales by affiliates) of all products did not exceed \$100,000 during the calendar year 1941; and includes any other producer who has been classified by the Smaller War Plants Corporation as a "smaller, distressed producer" and is specifically designated as such for the purpose of this order by the War Production Board, on such terms and conditions as may be proper.

(3) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(4) "Supplier" means any person engaged in the manufacture (for sale to a producer in the United States) of materials, parts, assemblies or subassemblies

to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(5) "Machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) of the types ordinarily manufactured for farm use, and listed on the applicable schedule attached hereto.

(6) "Farm use" means use for the production or care of crops, livestock, live-stock products, or other produce on a farm (or elsewhere in the case of poultry), or use for any civilian purpose with respect to horseshoes, muleshoes, oxen-shoes, and harness hardware.

(7) "Farm machinery and equipment" means machinery and equipment which is manufactured specifically for farm use, including irrigation and drainage equipment (excluding tile), horseshoes, muleshoes, oxenshoes, harness hardware, and water well casing (fabricated by other than pipe mills); but excluding repair parts, and also excluding all of the following: tracklaying type tractors, fencing, poultry netting and wire, wire fencing, bale ties or straps, oil well casing and water pipe, grain bins and corn cribs, water storage tanks, nails (all kinds), and sundry hardware (including hand tools, chains, barn door track, pulleys, scales, and similar items not specified on the applicable schedule).

(8) "Non-farm machinery and equipment" means machinery and equipment, as defined in paragraph (b) (5) above, which is manufactured pursuant to rated orders for any purpose other than farm use.

(9) "Attachment" for machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(10) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of "farm machinery and equipment" and shall include plow shares and shapes, and water pump cylinders. No item listed on the applicable schedule shall be deemed a repair part.

(11) "Base production" means the weight of a producer's total manufacture in the United States of any item of farm machinery and equipment for sale in the United States during either the calendar year 1940 or 1941, in whichever year such weight was the greater.

(12) "United States" means the forty-eight states, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and all other territories and possessions of the United States.

(13) "Current quota period" means the twelve-month period which starts July 1 of any year and ends June 30 of the following year, as identified on the applicable schedule.

(14) "Applicable schedule" means the particular schedule relating to a current quota period, and fixing manufacturing quotas (for sale in the United States) for each item listed for that period.

(c) *Restrictions on production for domestic farm use*—(1) *Manufacturing quotas.* During any current quota pe-

riod, no producer shall manufacture, for sale in the United States, more of any item of farm machinery and equipment (by weight) than his quota for that item. This quota is figured by taking the percentage shown for the item on the applicable schedule, and multiplying it by his base production of the item. Exceptions to this general rule are stated in paragraph (d). Special restrictions are set forth in subparagraph (2) below and in paragraph (f).

(2) *Special restrictions.* (i) No person who is not a "producer" has any quota. However he may manufacture farm machinery and equipment and repair parts of an aggregate value up to \$2,500 during any current quota period.

(ii) No item which is not provided for in the applicable schedule shall be manufactured as "farm machinery and equipment" for sale in the United States.

(iii) [Deleted.]

(iv) No producer who is not a "small producer" shall manufacture, for sale in the United States, any item of farm machinery and equipment except to the extent listed on an approved production schedule under paragraph (e).

(3) *Adjustments in quotas.* The War Production Board may, by specific written directions or authorizations issued to any producer or other person affected by this order, increase or decrease any quota or authorized use of materials; and may transfer any portions of quotas between producers, taking into account the amount and weight of materials to be used, the need for particular items at the time required in particular areas, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be proper.

(d) *Exceptions—(1) No quota for repair parts.* Producers may manufacture repair parts for sale in the United States without any restrictions as to quota. However, they must comply with paragraph (e) with respect to production schedules.

(2) *Bracketed items.* Wherever, in an applicable Schedule, two or more items are bracketed together, the producer must apply the individual percentages to his base production of each item in the bracket and add up the various weights. This total permissible weight may then be distributed among all or any one or more of the items in that bracket as he chooses (regardless of the individual quota percentages).

(3) *Attachments may be lumped together.* Any producer may choose not to follow the individual quota percentages for items of attachments as indicated on the applicable schedule, and instead manufacture not more than an aggregate of 75% of his total base production of all attachments. This total may be distributed among all or any one or more of the attachments made by him. However, once this choice is made, the producer must stick to it for all attachments to be made during the current quota period.

(4) *Small producers.* Any "small producer" may use the quota percentage "100%" instead of the quota percentage listed on any applicable schedule for any item or items which he makes, but only to the extent that the weight of his total

manufacture of all items of farm machinery and equipment during the current quota period does not exceed, in the aggregate, 100% of his base production of these items. In addition, small producers do not have to comply with certain provisions of this order with respect to production schedules or other reports, as stated in subparagraph (c) (2) (iv) and paragraphs (e) and (k). However, this does not relieve them from complying with all CMP Regulations and procedures.

(5) *Production before or after current quota periods—(i) Advance planning of production.* Before the beginning of any current quota period, producers may plan their production, order materials and start initial fabrication in accordance with the applicable schedule for the coming period. For this purpose, until such time as a new applicable schedule is issued, it may be assumed that the schedule currently in effect will apply for this next period. In other words, the schedule in effect is always the "applicable schedule" unless and until displaced by a new schedule.

(ii) *Carry-over of uncompleted portions of quotas.* Any portions of quotas for sale in the United States under an applicable schedule (including all amendments, appeals and specific authorizations) which are not completely manufactured by the end of the current quota period, may be carried over and added to the corresponding quotas of the next current quota period but only to the extent that they can be completed by July 31 of this next period. However, uncompleted quotas (domestic, and those under Schedule B-6) under Order L-170 may be carried over as explained above for completion any time before June 30, 1944.

(6) *Substitute materials.* Any person may manufacture for sale in the United States the following items, without regard to the restrictions of this order, if they are made from the substitute materials listed:

- Bee hives.
- Farm gates.
- Feed trucks.
- Grit boxes.
- Hog troughs.
- Laying nests.
- Livestock feeders.
- Milk stools.
- Poultry feeders.
- Poultry waterers.

These items are unrestricted only if they are made entirely (except for nails and essential strappings and fastenings, and except for doors in the case of livestock feeders) from any one or more of the following materials:

- Glass or other ceramic products.
- Plain concrete.
- Fibre board.
- Wood fibre products.
- Plywood (produced with binder or adhesive not restricted by Conservation Order M-25 or any other applicable M or L order).
- Gum and other hardwood lumber.
- Softwood lumber (subject to the restrictions of Conservation Order M-208 and all other applicable M and L Orders).

Some of the items listed above are also given quotas on the applicable schedule. These quotas apply only to the extent that the items are to be made from iron or steel.

(7) *Substitution for critical materials encouraged.* If the weight of any item of farm machinery and equipment manufactured by a producer has been or will be increased by his substituting for more critical materials any of the materials listed above in subparagraph (d) (6), he may still manufacture in any current quota period the number of units which would have been within his domestic quota before making the substitution. Also, a producer may apply for additional quota for any item in which he can substitute these materials entirely for more critical materials.

(8) *Assignments of quota.* All assignments of quota specifically authorized by appeal under Limitation Order L-170 for the period starting November 1, 1942, or under this Order L-257, are re-authorized for each current quota period. The assignee, in figuring his additional quota, must take the percentage on the applicable schedule for each item transferred and multiply it by the assignor's base production of that item. The assignor's quota is, to that extent, revoked.

(e) *Production schedules—(1) AA-2 for purpose of scheduling production.* Producers may schedule their production of items of farm machinery and equipment and repair parts as if the orders for these items bore a rating of AA-2.

(2) *Production schedules must be filed: exemption for "small producers".* With respect to each item of machinery and equipment (both farm and non-farm) and repair parts, each producer must file a production schedule on Form WPB-3053, listing the quantities he plans to have available for shipment (within his quota) to various classes of customers, in accordance with the instructions on the form. This production schedule is deemed approved as filed, unless the producer is notified in writing to the contrary by the War Production Board. "Small producers" do not have to file this form.

(3) *Items on approved schedule to be available for shipment; changes in schedule.* Each producer must have available for shipment each month to each class of customer the quantities of each item and of repair parts as indicated on his approved schedule. However, he may complete (within his approved total) more than his schedule in any month. He may also, if necessary, delay completion of any quantities scheduled for any class of customer for any month up to the last day of the next month. Any other change in an approved schedule must be reported on Form WPB-3181 and the change will be deemed approved as filed, unless the producer is notified in writing to the contrary by the War Production Board.

(4) *Deliveries for farm use protected.* A producer must deliver all quantities of items listed on an approved schedule (WPB-3053 or WPB-3181) for farm use and for export without regard to preference ratings, unless otherwise specifically directed in writing by the War Production Board. Small producers who have not filed Form WPB-3053 may deliver items for farm use and for export without regard to any orders bearing preference ratings of AA-2x or lower.

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(f) *Further restrictions*—(1) *Items containing iron and steel.* No person shall manufacture, from iron or steel (excluding screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential purposes), any of the following items:

Bee hives  
Milk stools  
Tongues  
Silos (except for ladders, chutes and platforms)  
Cattle stalls  
Stanchions  
Stock pens  
Marking poles  
Thills  
Farm gates  
Boxes for farm wagons and trucks (not motor trucks)  
Farm wagon gears  
Farm trucks (not motor trucks);

*Provided however,* That nothing in this paragraph (f) (1) shall be deemed to prevent the manufacture of:

(i) Cattle stalls, stanchions, stock pens, marking poles, or farm gates from re-rolled rail steel, plus strappings and essential hardware (and plus necessary wire in the case of farm gates), or

(ii) Farm wagon gears or farm trucks from re-rolled rail and axle steel, "top cuts," or Bessemer process steel, plus iron castings and wheels, and plus not more than 100 pounds of open-hearth process steel per item.

(2) *Restrictions on sale for domestic use.* Subject to such directions as may be issued from time to time as to rationing control by the War Food Administrator, no person shall sell any item of new farm machinery and equipment (except poultry equipment, horseshoes, mule-shoes, oxenshoes, and harness hardware) which was manufactured for sale in the United States, and which he knows or has reason to believe will not be used in the hands of the ultimate consumer for farm use, except to fill a contract or purchase order bearing a preference rating of AA-4 or higher. If the rated order is for an item which farmers can get only by furnishing purchase certificates under Food Production Order 14 or any other applicable regulation of the War Food Administration, the seller must not fill the order from stock. However, in the following special cases, the seller may sell any of these items from stock for non-farm use on an order rated AA-4 or higher:

(i) If the item is in his stock as a replacement for one previously sold on a rated order, or

(ii) Upon actual receipt of any item which he can order from a producer pursuant to the rated order, or

(iii) If the rated order is placed with him directly by the Army or Navy (and not indirectly by a contractor or otherwise), or

(iv) If he is a producer (but producers must comply with all applicable orders and regulations, particularly paragraph (e) (4) of this order).

(g) *Excess inventory.* Any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts authorized to be manufactured under the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(h) *Conservation of materials.* (1) If any other order of the War Production Board limits the use of critical materials in the manufacture of farm machinery and equipment, non-farm machinery and equipment, or repair parts to a greater extent than this order does, the other order shall govern unless it states otherwise.

(2) The War Production Board may also from time to time issue special orders requiring standardization, simplification, substitution, or other measures to save critical materials in the manufacture of farm machinery and equipment, non-farm machinery and equipment, or repair parts. One order of this kind is L-170-a, restricting the use of copper.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Reports.* Each producer who is not a "small producer" must file by the 10th day of each month a report on Form WPB-1768 of his production during the previous month in accordance with the accompanying instructions. The first report must be filed on or before September 10, 1943. In addition, if any serious production trouble or delay develops between dates of filing the above Form WPB-1768, the producer should immediately advise the War Production Board, including the following information where applicable:

(1) The name of any material or component part, the non-delivery of which is, or will be, materially retarding his production.

(2) The name of the manufacturer or supplier with whom the order was placed.

(3) Producer's purchase order number.

(4) Date of the order.

(5) Supplier's order number.

(6) Promised date of delivery.

(l) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board, unless this order states otherwise.

(m) *Order L-170.* Except as otherwise stated in this order, it supersedes Limitation Order L-170 as of July 1, 1943. Supplementary Limitation Order L-170-a shall remain in full force and effect until revoked or modified.

(n) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C. Ref: L-257.

NOTE: The reporting requirements in paragraphs (k), (c) (2) (iii), (e) (2) and (e) (3) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

SCHEDULE A TO L-257

NOTE: Items 217, 228, 230 amended Nov. 15, 1943.

APPLICABLE SCHEDULE FOR CURRENT QUOTA PERIOD  
JULY 1, 1943 TO JUNE 30, 1944, INCLUSIVE

Manufacturing Quotas for Items of Farm Machinery and Equipment for Domestic Farm Use

Producers are not restricted by any quota percentage in the manufacture of repair parts.

Quotas for new machinery and equipment for farm use are expressed as a percentage of the net shipping weight of each item produced during 1940 or 1941, whichever was higher. In accordance with paragraph (d) (2), production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket, so long as the total weight does not exceed that determined by applying the various quota percentages to the items in the particular bracket.

"Small producers" may use the quota percentage of 100% for any item or items they manufacture, so long as their aggregate production of all items does not exceed 100% of their total 1940 or 1941 production, whichever was higher, as provided in paragraph (d) (4).

Quotas for each item of attachments, unless election is made to lump together all attachments pursuant to paragraph (d) (3), are expressed as the same percentage as that listed for the machine with which the particular attachment is used (except engines).

Any item of farm machinery and equipment not provided for in this Schedule A is not to be manufactured for sale in the United States, unless specifically exempted under the order. Moreover, any manufacture of an item in excess of the percentages established in this Schedule A, even though it may be scheduled for production under paragraph (e), is permitted only if specifically authorized pursuant to paragraph (c) (3) or on appeal.

GROUP 1: PLANTING, SEEDING, AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item No.	Quota Percent
1 One row, one horse, corn	81
2 One row, one horse, corn and cotton, peanut and bean	64
2a One-horse legume planters for middles (Southern)	64
3 One row, two horse, corn and cotton	75
3a Vetch	75
4 Two row, corn	100
5 Two row, corn and cotton	65
6 Three row and over, corn	100
7 Three row and over, corn and cotton	100



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## GROUP 4—Continued

## Division 5: Other Cultivators and Weeders

Item No.	Quota Percent
105 Beet thinners.....	120
105a Vegetable weeder and thinner.....	122
105b Cyclone weeder.....	95
106.....	85
106a.....	85

## Division 6: Attachments

107 Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds.....	(?)
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## GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

## Division 1: Power Sprayers

108 Market garden type, under six g. p. m.....	63
108a Orchard type, six to ten g. p. m. auxiliary engines.....	63
108b Orchard type, six to ten g. p. m. power take-off.....	63
108c Orchard type, eleven to twenty g. p. m. auxiliary engines.....	63
108d Orchard type, eleven to twenty g. p. m. power take-off.....	63
108e Orchard type, over twenty g. p. m. auxiliary engines.....	63
108f Orchard type, over twenty g. p. m. power take-off.....	63
108g Field or row crop type, six to ten g. p. m. auxiliary engines.....	63
108h Field or row crop type, six to ten, g. p. m. power take-off.....	63
108i Field or row crop type, eleven to twenty g. p. m. auxiliary engines.....	63
108j Field or row crop type, eleven to twenty g. p. m. power take-off.....	63
108k Field or row crop type, over twenty g. p. m. auxiliary engines.....	63
108l Field or row crop type, over twenty g. p. m. power take-off.....	63
108m Field or row crop type, tractor mounted.....	100
108n Propeller blower type.....	100
109 Traction sprayers, under six g. p. m.....	100
109a Traction sprayers, six g. p. m. and over.....	100

Division 2: Hand Sprayers with Tank, Barrel, Knapsack, etc. with Complete Equipment (Capacity 1 qt. or over but less than six gallons)

110 Compressed air.....	70
111 Knapsack, self-contained.....	68
112 Trombone pump type.....	61
113 Bucket, pump type, single cylinder.....	73
114 Bucket, pump type, double cylinder.....	70
115 Atomizing, single action (1 qt. and larger capacity).....	62
116 Atomizing, continuous (1 qt. and larger capacity).....	64

Division 3: Hand Pump Sprayers (Capacity Six Gallons or More)

117 Barrel pump sprayer.....	87
118 Wheelbarrow sprayer.....	75

## Division 4: Spray Pumps, Power

119 Spray pumps, power.....	104
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## Division 5: Weed and Pear Burners

120 Weed and pear burners.....	80
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## Division 6: Dusters

121 Power duster, auxiliary engines.....	128
121a Power duster, power take-off.....	128
122 Traction dusters.....	79
123 Hand dusters, rotary type.....	74

## Division 7: Orchard Heaters

124 Orchard heaters.....	75
124a Wind frost protection machines.....	75

## Division 8: Attachments

125 Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds.....	(?)
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## GROUP 6: HARVESTING MACHINERY

## Division 1: Combines (Harvester-Threshers)

126 Width of cut, 6 ft. and under, auxiliary engines.....	57
126a Width of cut, 6 ft. and under, power take off.....	87
127 Width of cut, over 6 ft., including 10 ft.....	90
128 Width of cut, over 10 feet.....	97

128a Windrowers or swathers.....	78
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## GROUP 6—Continued

## Division 2: Grain and Rice Binders

Item No.	Quota Percent
129 Grain binders (ground drive).....	42
130 Grain binders (power take-off drive).....	64
131 Rice binders.....	68

## Division 3: Corn Binders

132 Corn binders, ground drive.....	70
132a Corn binders, power take-off.....	75
132b Corn harvester, sled and wheel type.....	75

## Division 4: Corn Pickers

133 One row, mounted type.....	110
134 Two row, mounted type.....	76
135 One row, pull type.....	78
136 Two row, pull type.....	108

## Division 5: Field Ensilage Harvesters—Row Type

137 Field Ensilage Harvesters (row type).....	100
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## Division 6: Potato Diggers and Pickers

138 Walking plow type.....	114
139 One row, ground drive.....	135
139a One row, power take off.....	125
139b Two row, power take off.....	125
139c Potato pickers.....	135

## Division 7: Bean Cutters or Pullers

140 Two row, horse or tractor drawn.....	85
140a Four row, horse or tractor drawn.....	85

## Division 8: Sugar Beet and Cane Harvesting Equipment

141 Beet lifters, horse or tractor drawn.....	27
141a Beet lifters, tractor mounted.....	27
141b Beet harvesters.....	150
141c Beet loaders.....	150
141d Cane harvesters.....	85
141e Cane loaders.....	150

## Division 9: Other Harvesting Equipment

142 Cotton harvesters, stripper type.....	150
142a Cotton pickers.....	150
143 Vegetable pullers and pickers.....	150
143a Green pea harvesters.....	150
143b Spinach harvesters.....	150
144 One row soybean harvesters.....	150
144a Grass seed harvesters or strippers.....	80
144b Flax pullers.....	100
144c Hop pickers.....	67
144d Peanut diggers.....	150
144e Peas pickers.....	90
144f 144f.....	90

## Division 10: Attachments

145 Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds.....	(?)
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## GROUP 7: HAYING MACHINERY

## Division 1: Mowers

146 Horse or tractor drawn (ground drive).....	49
147 Tractor mounted or semi-mounted (power take-off drive).....	69

## Division 2: Rakes

148 Sulky (dump).....	47
149 Side delivery (incl. comb. side rakes and tedders).....	84
150 Sweep (horse).....	90
150a Sweep (tractor mounted).....	90

## Division 3: Hay Loaders

151 Hay loaders.....	67
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## Division 4: Stackers

152 Stationary.....	90
152a Combination stacker-loaders.....	146

## Division 5: Pick-up hay balers and bale loaders

153 Pick-up hay balers—power take-off.....	78
153a Pick-up hay balers—auxiliary engine.....	78
153b Field bale loader.....	150

## Division 6: Other Haying Machinery

154 Field hay choppers and harvesters.....	150
155.....	90
156.....	90

## GROUP 7—Continued

## Division 7: Attachments

Item No.	Quota Percent
157 Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds.....	100

## GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

## Division 1: Stationary Threshers—Grain, Rice and Alfalfa

158 Threshers, width of cylinder under 28 inches.....	65
159 Threshers, width of cylinder 28 inches and over.....	47

## Division 2: Stationary Pea and Bean Threshers

160 Stationary pea and bean threshers.....	122
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## Division 3: Peanut Pickers

161 Peanut pickers.....	61
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## Division 4: Ensilage Cutters—Silo Fillers

162 Ensilage cutters (Silo Fillers).....	69
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## Division 5: Feed Cutters—Hand and Power

163 Feed cutters, hand and power.....	80
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## Division 6: Corn Shellers

164 Corn shellers (hand).....	43
165 Spring (2, 4, 6 and 8 hole).....	0
166 Cylinder (150 bu. and under).....	65
167 Cylinder (over 150 bushels).....	45

## Division 7: Corn Huskers and Shredders

168 Combination corn huskers-shredders.....	74
169 Corn huskers.....	41

## GROUP 8—Continued

## Division 17: Attachments

Item No.	Quota Percent
187 Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds.....	(1)

## GROUP 9: FARM ELEVATORS AND BLOWERS

## Division 1: Elevators—Portable

188 Elevators, Portable.....	100
Division 2: Elevators—Stationary.....	
189 Elevators, stationary.....	36
Division 3: Blowers—Grain and Forage.....	
190 Blowers (grain).....	118
190a Blowers (forage).....	150

## Division 4: Attachments

191 Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds.....	(1)
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## GROUP 10: TRACTORS

## Division 1: Tractors, Wheel Type, by Rated Eff H. P.

192 Special purpose, under 30 H. P.....	82
193 Special purpose, 30 and over.....	44
194 All purpose under 30 H. P.....	41
195 All purpose 30 and over.....	63

## Division 2: Garden Tractors

196 Garden tractors (incl. motor tillers).....	65
Division 3: Attachments.....	

197 Attachments for all items in Group 10 expressed in net shipping weight in pounds.....	(1)
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## GROUP 11: ENGINES (CANCELLED—SCHEDULED BY AUTOMOTIVE DIVISION)

## Division 1: Engines Under 1 H. P.

198 Air Cooled.....	(1)
Division 2: Engines, One or More but Under 5 H. P.....	
199 Air Cooled.....	(1)

200 Water Cooled.....	(1)
Division 3: Engines, Five or More but Under 10 H. P.....	

201 Air Cooled.....	(1)
202 Water Cooled.....	(1)

Division 4: Engines, Tension 4 or More but Under 20 H. P.....	
203 Water cooled.....	(1)

## Division 5: Attachments

204 Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds.....	75
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## GROUP 12: FARM WAGONS, GEARS AND TRUCKS (NOT MOTOR)

## Division 1: Wagons and Trucks

205 Wagon gears (less box) (See par. (f) (1))....	55
206 Truck gears (less box). (See par. (f) (1))....	55
206a One horse wagon (less box). (See par. (f) (1))....	55

## Division 2: Wagon Bodies

207 Wagon and truck boxes, farm. (See par. (f) (1))....	77
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## Division 3: Farm Sleighs

208 Sleighs and Bob-Sleds, farm.....	150
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## Division 4: Trailers—Farm

209 Trailers, farm.....	0
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## Division 5: Other Transporting Equipment Not Motor Trucks

210 Tobacco trucks (see par. (f) (1)).....	56
210a Buggies and spring wagons, farm.....	55
211 Cane wagons and carts.....	47
211a -----.....	50
211b -----.....	50

## Division 6: Attachments

212 Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds (see par. (f) (1)).....	(1)
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<sup>1</sup> Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

<sup>2</sup> Quota percentage not necessary.

## GROUP 13: DOMESTIC WATER SYSTEMS

## Division 1: Deep and Shallow Well Systems

Item No.	Quota Percent
213 Deep well, reciprocal.....	55
214 Deep or shallow well, jet type.....	70
215 Shallow well, 250-499 gals. per hour.....	66
216 Shallow well, 500 gals. per hour and over.....	56

## Division 2: Power Pumps

217 Horizontal type, up to and incl. 75 gal. p. m., 100 lbs. pressure.....	55
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## Division 3: Water Well Casing

218 Water well casing (fabricated by other than pipe mills).....	100
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## Division 4: Attachments

219 Attachments for all items in Group 13 expressed in terms of net shipping weight in pounds.....	(1)
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## GROUP 14: FARM PUMPS AND WINDMILLS

## Division 1: Pumps, water

220 Pitcher pumps.....	69
221 Hand and windmill pumps.....	84

## Division 2: Windmills

222 Windmill heads.....	95
223 Windmill towers.....	89

## Division 3: Pump jacks

224 Pump jacks.....	67
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## Division 4: Attachments

226 Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds.....	(1)
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## GROUP 15: IRRIGATION AND DRAINAGE EQUIPMENT

## Division 1: Irrigation and Drainage Pumps

227 Turbine Pumps, 0 to 1,200 G. P. M.....	14
228 Turbine Pumps, 1,200 G. P. M. and up.....	125
229 Centrifugal pumps.....	64
230 Hydraulic rams.....	100

## Division 2: Distribution Equipment

231 Land levelers.....	45
231a Blade ditchers and terracers.....	45
231b One disc terracers.....	45
231c Corrugators.....	45
231d Scrappers.....	45

(Items 231 to 231d are exclusive of power ditchers, draglines, and other self-powered machines.)

232 Portable pipe and extensions, sprinklers (excluding lawn sprinklers), valves and gates, expressed in terms of net shipping weight in pounds.....	70
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## Division 3: Other Farm Irrigation Equipment (List each item separately)

233 -----.....	40
234 -----.....	40
235 -----.....	40

## Division 4: Attachments

236 Attachments for all items in Group 15, expressed in terms of net shipping weight in pounds.....	(1)
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## GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

## Division 1: Milking Machines

237 Milking machines (Complete Outfits).....	60
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## Division 2: Farm Cream Separators

238 Capacity 250 lbs. per hour or less.....	35
239 Capacity 251 lbs. to 800 lbs. per hour.....	37
240 Capacity 801 lbs. to 1,500 lbs. per hour.....	23

## Division 3: Farm Milk Coolers

241 Immersion type.....	84
242 Surface or Tubular type.....	84

## GROUP 16—Continued

## Division 4: Farm Butter Making Equipment

Item No.	Quota Percent
243 Butter churns.....	70
244 Butter molds.....	50

Division 5: Other Dairy Farm Equipment	
245 Milk pails.....	98
246 Milk strainers.....	98
247 Stirrers.....	50
248 Cream setter cans.....	50
248a Sterilizing tanks.....	70
248b Dairy washing tanks.....	66
248c Dairy water heaters (excluding boiler-type heaters).....	60
248d Can racks.....	60
(List additional items separately)	
248e -----.....	50
248f -----.....	50
248g -----.....	50

## Division 6: Attachments

249 Attachments for all items in Group 16, expressed in terms of net shipping weight in pounds.....	(1)
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## GROUP 17: BARN AND BARNYARD EQUIPMENT

## Division 1: Feed Carriers, Litter Carriers, and Feed Trucks

250 Feed carriers.....	50
251 Litter carriers.....	82
252 Track for feed and litter carriers.....	75
253 Feed trucks (iron and steel).....	67

## Division 2: Hay Unloading Equipment

254 Hay carriers.....	90
255 Track for hay carriers.....	73
256 Hay forks, harpoon and grapple.....	90

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## GROUP 18—Continued

Division 4: Growing and Laying Batteries		Quota Percent
Item No.		
284	Growing.....	52
285	Laying.....	0
<i>Division 5: Poultry Feeders</i>		
286	Poultry feeders (iron and steel).....	70
<i>Division 6: Poultry Waterers and Water Heaters</i>		
287	Poultry waterers (iron and steel).....	70
287a	Automatic float valves.....	75
287b	Fountain heaters.....	75
<i>Division 7: Laying Nests and Grit Boxes</i>		
288	Laying nests (iron and steel).....	40
289	Egg baskets.....	100
289a	Grit boxes (iron and steel).....	40
<i>Division 8: Other Farm Poultry Equipment</i>		
290	Leg bands.....	110
290a	Wing bands.....	110
291	Egg graders.....	100
292	Egg candlers.....	100
292a	Poultry punches.....	50
292b	Roof saddles.....	100
292c	Draft equalizers.....	100
292d	Chimney caps.....	100
292e	Killing cones.....	50
292f	Fowl catchers.....	50
<i>(List additional items separately)</i>		
292l	.....	50
292j	.....	50
292k	.....	50
<i>Division 9: Attachments</i>		
293	Attachments for all items in Group 18, expressed in terms of net shipping weight in pounds.....	(1)
<b>GROUP 19: MISCELLANEOUS FARM EQUIPMENT</b>		
<i>Division 1: Beekeepers' Supplies</i>		
294	Beekeepers' supplies (except bee hives).....	100
295	Bee hives (not limited, except iron and steel—see par. (f) (1)).	
<i>Division 2: Silos</i>		
296	Silos (total weight of iron and steel) (see par. (f) (1)).....	60
<i>Division 3: Horse Shoes—Including Mule and Ozen Shoes</i>		
297	Horseshoes (incl. mule and oxen shoes).....	107
<i>Division 4: Harness Hardware</i>		
298	Harness hardware.....	100
<i>Division 5: Power Sheep Shearing Machines</i>		
299	Power sheep shearing machines.....	100
299a	Power cattle and horse clippers.....	50
<i>Division 6: Electric Fence Controllers</i>		
300	Electric fence controllers.....	100
301	Electric fence accessories.....	120
<i>Division 8: Farm Wood-Sawing Machines</i>		
309	Farm wood-sawing machines including self-powered cross-cut and drag 5 H. P. and less	
<i>Division 9: Farm Gates</i>		
310	Farm gates (see par. (f) (1)).....	25
<i>Division 10: Farm Electric Plants (wind-driven)</i>		
311	Farm electric plants (wind-driven electric generating plants only—does not include batteries or towers).....	56
311a	Towers for wind-driven electric generating plants.....	55
	(Engine driven farm lighting plants and batteries transferred to Automotive Division.)	55
<i>Division 11: Attachments</i>		
312	Attachments for all items in Group 19, expressed in terms of net shipping weight in pounds.....	(1)

[F. R. Doc. 43-18408; Filed, November 15, 1943;  
11:31 a. m.]

## PART 1075—CONSTRUCTION

[Correction of Conservation Order L-41]

Section 1075.1 Conservation Order L-41 is corrected in the following particular:

Paragraph (c), item 11, line 11, the last character, which is numeral 3, is changed to the numeral 6. Line 11 then reads:

"U-2, or in paragraph (a) (1) of Order U-6,"

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-18401; Filed, November 15, 1943;  
11:31 a. m.]PART 1226—GENERAL INDUSTRIAL EQUIPMENT<sup>1</sup>

[General Conservation Order L-221 as Amended Nov. 15, 1943]

## ELECTRIC MOTORS AND GENERATORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motors for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.62 General Conservation Order L-221—(a) Definitions. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor" means any rotating equipment or device (including gear-motors) used to transform electrical energy into mechanical energy and built in frame size 203 (or frames corresponding to one horsepower, 1800 RPM, 60 cycle, two or three phase) and larger; except (i) motors used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers, and off-the-highway motor vehicles, as defined in Order L-158, or (ii) starting motors for internal combustion engines.

(3) "Generator" means any rotating equipment or device used to transform mechanical energy into electrical energy and having a rating of not less than  $\frac{3}{4}$  KW, built in frames corresponding to  $\frac{3}{4}$  KW, 1800 RPM or larger; except (i) generators used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers, and off-the-highway motor vehicles, as defined in Order L-158, (ii) generators for use in the operation of internal combustion engines, or (iii) generators for the following power sets: power frequency changers (below  $62\frac{1}{2}$  cycles), synchronous condensers, hydroelectric generator sets, land use steam turbine generator sets, marine auxiliary steam turbine generator sets, steam engine generator sets, land use Diesel engine generator sets, 750

RPM or less, and land use gas engine (not gasoline) generator sets, 750 RPM or less.

(4) "Manufacture" means the fabrication or assembly of motors or generators.

(5) "Manufacturer" means any person to the extent that he is engaged in the manufacture of motors or generators; and includes sales agencies and warehouses controlled by such person.

(6) "Dealer" means any person to the extent that he acquires new motors or generators for resale, as such.

(7) "Machinery producer" means any person to the extent that he fabricates or assembles, for resale, machinery (other than motors or generators) into which he incorporates or to which he attaches motors or generators which he has either purchased or produced.

(8) "Used motor or generator" means any motor or generator which has been operated for any purpose other than that of being tested.

(9) "Delivery" includes delivery of a motor or generator from one affiliate to another or from one branch, division or section of a single enterprise to another branch, division or section of the same enterprise where the recipient affiliate, branch, division or section will use the motor or generator or incorporate it into other machinery.

(10) "Order" means any commitment or other arrangement for the delivery of a new motor or generator.

(11) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis.

(12) "Operating spare" means any extra or spare motor or generator, whether new or used, which has been set aside and marked as emergency replacement equipment for motors or generators of similar characteristics and kilowatt or horsepower rating in regular operation. Only motors or generators for use in a series production plan or for replacement of motors or generators used in the operation of machinery which by virtue of failure would cause serious and substantial impairment of facilities and substantial reduction of production shall be considered as operating spares.

(b) Restrictions on acceptance and delivery of orders. (1) No manufacturer, dealer, or machinery producer shall accept any order for or deliver any new motor or generator or machinery including any new motor or generator; and no person shall accept delivery from a manufacturer, dealer, or machinery producer of any new motor or generator or of machinery including a new motor or generator, unless:

(i) The purchaser shall have no idle motor or generator (other than an operating spare) in his possession which is adaptable to the purpose for which the new motor or generator will be used. The term "idle" as used above refers to a motor or generator which is not connected to the purchaser's load and electrical system; and "adaptable" means that the motor or generator has mechanical and electrical characteristics, including speed and horsepower rating,

<sup>1</sup> Formerly Part 3122, § 3122.1.

generally comparable to the motor or generator sought to be purchased.

(ii) Immediately prior to the placement of his order, the purchaser shall have attempted to obtain a used motor or generator for his purpose, from at least three persons whom he knows or has reasonable cause to believe are currently engaged in dealing in used motors or generators of that kind or from any three dealers whose names have been furnished to the purchaser by the War Production Board (Used Equipment Section, Electrical Equipment Branch) upon request. As to motors, the limitations and restrictions of this paragraph (b) (1) (ii) shall apply only to orders for general purpose, open  $40^{\circ}$  C. rise continuous duty motors and orders for drip-proof or splashproof  $50^{\circ}$  C. rise motors.

(iii) The new motor or generator (other than an operating spare) to be acquired is necessary for installation within the shortest practicable time after delivery. For the purpose of this subparagraph, a motor or generator shall be deemed installed when it is connected to the purchaser's load and electrical system, notwithstanding that the purpose of such equipment may be emergency relief service.

(iv) With reference to motors, the purchaser does not have operating spares, in the same horsepower rating category (as listed below) as the new motor to be acquired, in excess of three per cent of the motors in the same category in operation (except that, in any event, the purchaser may have one operating spare in each category): *Provided, however,* That for the purpose of this subparagraph, motors operated by the proposed purchaser with legal title in another person may be separately classified, and permissible operating spares for each such classification may be based on the motors in such classification. The categories referred to above shall be:

1-3 horsepower  
3.1-7.5 horsepower  
7.6-20 horsepower  
20.1-50 horsepower  
50.1 and above

(2) No manufacturer or dealer shall accept any order for any new motor or generator, unless the order has a preference rating of AA-5 or higher.

(c) *Restrictions on types of motors.* Except as otherwise specifically provided herein or authorized by the War Production Board no manufacturer, dealer, or machinery producer, shall accept any order for or deliver any new motor or any machinery which include a new motor; and no person shall accept delivery from a manufacturer, dealer, or machinery producer of any new motor or machinery which includes a new motor; unless the motor is in compliance with the following standards and is otherwise of the simplest practicable mechanical and electrical design:

(1) *Mechanical and electrical design.*

The following minimum standards shall be applied with respect to electrical and mechanical design of new motors:

(i) No motor shall have a temperature rise (based on an ambient temperature of  $40^{\circ}$  C.) of less than  $40^{\circ}$  C., for open

type; less than  $50^{\circ}$  C. for splashproof and drip-proof type; or less than  $55^{\circ}$  C. for totally enclosed type motors: *Provided, however,* That the temperature rise of the motor may vary from the above standards to the extent that the manufacturer has heretofore provided tolerance therefrom in his design and manufacture of the same or a similar type motor rated  $40^{\circ}$  C.,  $50^{\circ}$  C., or  $55^{\circ}$  C., as the case may be.

(ii) No motor shall include a special enclosure to make it other than open type; except that (a) a motor may be explosion proof type if it is to be used in a Class I hazardous location, as defined in paragraph 5005, Article 500, Chapter 5 of the National Electrical Code approved by the American Standards Association August 7, 1940; (b) a motor may be totally enclosed if it is to be used in a Class II hazardous location, as defined in paragraph 5006, Article 500, Chapter 5 of the above Code, or if it is to be used generally in an atmosphere which is corrosive or which contains such quantities of material particles, dust or fumes as to be destructive of an open type motor; (c) a motor may be splashproof or drip-proof type in any case where the motor is to be installed outdoors without any other protection or where the motor will be subjected to continually falling material particles, or to drops of splashing or jet propelled liquids falling at regular intervals of not less than once a day; (d) top half enclosing covers or top and bottom half enclosing screens shall be permitted on direct current motors, and wound rotor and single phase alternating current motors where there is danger of accidental contact by persons with live parts or where such covers or screens are necessary to prevent entrance of vermin or falling materials: *Provided, however,* That in any case where the requirements of General Limitation Order L-147, or any action taken by the War Production Board thereunder shall be more restrictive than the requirements of this subparagraph, the former shall apply.

(iii) Where practicable, AC polyphase motors shall be single voltage.

(iv) All alternating current multi-speed motors shall be single winding, except motors for use on metal reducing machinery, hoists, elevators, centrifuges, and single phase and two phase two speed motors.

(v) No motor shall be of slip ring wound rotor type, except for hoist, crane, conveyor, elevator, towline and dragline duty and for dry wire drawing, bending rolls, straightening rolls, metal reducing applications, aerial tramways, electric shovels, clam shell cranes, ball mills and jaw crushers.

(vi) No motor shall be of direct current type except (a) where only direct current is available to the user; (b) where speed matching is required; (c) for use on metal cutting machines or testing equipment; or (d) for use on cranes, hoists, metal reducing applications, steel mill auxiliaries, electric shovels, tramways, bending rolls, or elevators authorized under Order L-89.

(vii) No direct current motor shall have a lower base speed than as prescribed below:

Horsepower rating:	Minimum base speed (r.p.m.)
1 to 5 incl.	575
5.1 to 25 incl.	450
25.1 to 75 incl.	400
75.1-200	300

(2) *Horsepower loading.* The following standards shall be applied in determining horsepower loads for motor ratings:

(i) Horsepower required for purposes of ascertaining load as provided herein shall be determined by test or, where test is impossible, by careful calculation or comparison with known power requirements of similar apparatus.

(ii) Where the motor rated voltage will be maintained and the ambient temperature, normally, will be below  $40^{\circ}$  C. and will only occasionally and for short periods, equal or exceed  $40^{\circ}$  C.: (a) in the case of alternating current motors rated  $40^{\circ}$  C. open type, continuous duty, the horsepower rating shall be not more than 80% of the determined horsepower load; (b) in the case of alternating current or direct current motors rated  $50^{\circ}$  C. semi-enclosed, or  $55^{\circ}$  C. totally enclosed, continuous duty, the horsepower rating shall be not more than 91% of the determined horsepower load; and (c) in the case of direct current motors rated  $40^{\circ}$  C. open type, continuous duty, the horsepower rating shall be not more than 87% of the determined horsepower load: *Provided, however,* That in any case where the application of any of the above formulae results in a horsepower rating which is not a standard horsepower rating, the rating may be the standard horsepower rating next above the rating resulting from the application of the formula.

*Example:* Where the horsepower required as determined in subdivision (1) is 9.3 HP, of which 80% would be 7.44 a motor not exceeding 7.5 standard HP should be delivered.

(3) *Speed.* The following minimum standards shall be applied in determining motor speed:

(i) All alternating current motors 25 horsepower and below shall have a synchronous speed of at least 1800 R. P. M. at 60 cycles, 1500 R. P. M. at 50 or 25 cycles: *Provided, however,* That in any case where the purchaser deems such speed impracticable he shall endorse on his purchase order such facts as shall demonstrate such impracticability, and if the manufacturer or machinery producer shall likewise certify such impracticability on the order, the provisions of this subdivision (1) shall not apply.

(ii) All other motors shall be of the highest practicable speed for the purpose for which purchased.

(d) [Deleted Nov. 15, 1943]

(e) *Authorizations of War Production Board.* Application for the authorization of the War Production Board to deviate from the standards and condition of paragraphs (b) or (c) may be made by the purchaser or proposed purchaser of the new motor or generator or by the machinery producer in any case where the motor or generator is to be incorporated into machinery manufactured by said producer. Such application

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shall be in the form of a letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, setting forth facts sufficient to enable the War Production Board to determine the necessity for such authorization. If granted, the authorization shall be transmitted by the purchaser to his supplier, except that a machinery producer shall retain such authorization in his files.

(f) *Exemptions.* (1) The limitations and restrictions of paragraph (b) (1) shall not apply to (i) any order for motors or generators for the direct use of the Army, Navy, Maritime Commission or War Shipping Administration, or for incorporation in or attachment to any machinery or equipment to be used directly by said agencies; (ii) to any order by a machinery producer for motors to be incorporated in or attached to, and sold as part of machinery which he produces, if such machinery producer does not have on hand at the time of such order a greater number of motors in the same category (as specified in paragraph (b) (1) as the new motor sought to be purchased than the number thereof which he used for incorporation or assembly into machinery during the preceding two calendar months; (iii) to any order by a machinery producer for generators, if he does not have in his inventory a greater number thereof than he used for incorporation or assembly during the preceding two calendar months; or (iv) to any order for motors or generators to be delivered for use outside of continental United States and Canada.

(2) The limitations and restrictions of paragraph (c) shall not apply to (i) any motor or generator ordered by and delivered to a machinery producer, but such limitations and restrictions shall apply to his resale of such motor or generator, as such or as part of other machinery; or to (ii) any motor or generator delivered for use outside of continental United States and Canada.

(3) [Deleted Nov. 15, 1943]

(4) The limitations and restrictions of paragraphs (b) and (c) of this order shall not apply (i) to industrial truck motors, torque motors, traction motors and generators, motors used in the operation of air-borne equipment, frequency changers (62½ cycles and above), two bearing motor-generator sets (including electric welders of the two bearing type) dynamometers and rotary converters; or (ii) to any motor or generator to be used on any vessel owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration or to be used in the operation of combat equipment. As used herein "combat equipment" means any combat end product (including but not limited to ammunition and other ordnance, tanks, warships and aircraft) prescribed for field or combat use by the Army, the Navy, or the Maritime Commission.

(g) [Deleted Nov. 15, 1943]

(h) *Miscellaneous provisions—(1) Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to pur-

chase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto or other regulations of the War Production Board, effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing, with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates, a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref: L-221.

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[Appendix A deleted Nov. 15, 1943]

## INTERPRETATION 1

Paragraph (f) (4) of § 1226.62 *General Conservation Order L-221* provides certain exemptions for motors and generators used on any vessel owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration. The question has been raised as to the proper classification of floating dry docks. It was contemplated that floating dry docks, produced for service anywhere, would be considered vessels within the meaning of this paragraph. (Issued April 22, 1943.)

## INTERPRETATION 2

Paragraphs (f) (1) and (2) of § 1226.62 *General Conservation Order L-221* exempt orders for motors and generators to be delivered for use outside continental United States and Canada. This provision is intended in this order (but not necessarily in other orders where a similar expression is used) to exempt from the limitations and restrictions of paragraphs (b) (1) and (c) of Order L-221 any order for motors and generators delivered for use outside of the forty-eight states (and the District of Columbia) and Canada. Motors and generators delivered for use in Alaska, the Panáma

Canal Zone, Puerto Rico and other possessions and territories of the United States would be exempt from the above mentioned restrictions. (Issued April 24, 1943.)

[F. R. Doc. 43-18406; Filed, November 15, 1943;  
11:31 a. m.]

## PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 37 to CMP Reg. 1]

CONSOLIDATION OF ARMY ORDNANCE PROGRAMS  
O-5 AND O-6

The following direction is issued pursuant to CMP Regulation 1.

(a) The Ordnance Department of the War Department has combined the two programs formerly identified by the major program numbers O-5 and O-6. After this, allotments for both of these programs will be identified by the allotment number O-6.

(b) Consumers may combine allotments identified by the allotment numbers O-5 and O-6 in a single allotment account. Orders charged against this account must be identified by the allotment number O-6. However, orders already placed bearing the allotment number O-5 need not be changed to O-6.

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18402; Filed, November 15, 1943;  
11:31 a. m.]

## PART 3216—MATERIAL ENTERING INTO THE OPERATION OF TRANSPORTATION SYSTEMS

[Preference Rating Order P-142, as Amended Nov. 15, 1943]

For the purpose of facilitating the acquisition of materials for maintenance, repair, operating supplies and certain other requirements of transportation systems in the public interest and to promote the national defense, preference ratings are hereby assigned to deliveries of such materials upon the following terms:

## § 3216.1 Preference Rating Order P-142—(a) Definitions. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Transportation system" means a steam railroad, an electric railroad, a terminal railroad, a switching railroad, a private car line company, a rapid transit system, an electric street railway system, a trolley coach system, or a common carrier passenger motor bus system.

(3) "Operator" means any person to the extent that he is engaged in the business of transporting passengers or property over a transportation system. The term does not include any person who can obtain all of his controlled material requirements at retail, or from warehouses or distributors under the provisions of CMP Regulation No. 4, and who has not elected to operate under this

Order P-142 pursuant to paragraph (g) (1) hereof; such person shall continue to operate under the provisions of CMP Regulation No. 5 and all other applicable regulations.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(5) "Controlled material" means controlled material as defined in Schedule I of CMP Regulation No. 1, as amended from time to time.

(6) "Maintenance and repair" means the upkeep or restoration of any unit of the operator's property or equipment by using the minimum amount of material necessary.

(i) To keep the unit usable for the purpose intended in its existing design.

(ii) To restore parts of the unit to their original usefulness, or

(iii) To renew parts to restore the unit to its usefulness for the purpose intended in its existing design.

The term does not include the use of material for "heavy repair of locomotives" or "heavy repair of railroad cars" as those terms are defined hereinafter; except that the following may be deemed maintenance and repair: modernization of locomotives when the cost of labor and material per locomotive does not exceed \$500, and the new installation on railroad cars of truck snubbers, bottom rod guards and break beam safety devices.

(7) "Operating supplies" means those materials and supplies which are essential to the operations of the operator's transportation system, the rendering of services, and the collection of revenues in connection therewith, but not including those items shown in List A of CMP Regulation No. 5, as amended from time to time. In addition there may be included as operating supplies minor items of productive capital equipment not exceeding \$500 per unit (excluding cost of labor).

(8) "Construction" means the use of material to provide additional facilities or to rehabilitate existing facilities for a purpose not intended in the existing design.

(9) "Heavy repair of locomotives" means any of the following:

(i) Such repair to boiler, machinery and tender as is necessary to put the unit in thorough order and in condition to run out a new term of assigned mileage (sometimes known as class 1, 2 and 3 repair), and also such intermediate repair thereto as is necessary to enable the unit to run out its full mileage assignment (sometimes known as class 4 and 5 repair);

(ii) Conversion, which means any change in the general machinery or wheel arrangement of the locomotive; or

(iii) Modernization, which means the addition of accessories and/or specialties to the locomotive.

(10) "Heavy repair of railroad cars" means either of the following:

(i) Program repair for any group of cars, or, if the operator does not so program such repairs, repair of any car requiring 50 or more man hours per car for freight cars, or 100 or more man hours per car for passenger cars; or

(ii) Conversion, which means the modification of the structure of an exist-

ing car to such an extent as to change the type of the car.

(b) *Preference ratings.* (1) Subject to the restrictions of this order, the following procedure is established for the assignment of preference ratings to orders to be placed by an operator after April 5, 1943, for material other than controlled materials for a use authorized by paragraph (d) hereof, except that preference ratings for Class A products for which an allotment is required will be assigned at the time the allotment is made:

(i) The War Production Board may assign in writing specific preference ratings to deliveries of specific materials essential for emergency repairs, upon application made pursuant to paragraph (g) (2) hereof;

(ii) The War Production Board may specifically assign in writing preference ratings to deliveries of materials, in the quantities, for the periods, and on the terms and conditions specified in the copy of Form WPB-2585 (formerly Form PD-844) returned to the operator, upon application made pursuant to paragraph (g) (3) hereof.

(2) *Certification.* The ratings assigned in accordance with paragraph (b) (1) of this order, and the CMP allotment symbol T-7 assigned by paragraph (c) (1), may be applied by an operator only by use of a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

*Preference rating—(specify rating): CMP allotment symbol T-7; P-142, serial No. —.* The undersigned operator certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order; to receive, for transportation MRO under P-142, the item(s) ordered; and to use any preference rating or allotment symbol which the undersigned has placed on this order.

The certifications specified in Priorities Regulation No. 3 and CMP Regulation No. 5 may not be used. However, instead of the certification specified above, a certification in the form provided in CMP Regulation No. 7 may be used, but the operator must include the following identifications: "Preference rating"—(specify rating); CMP allotment symbol T-7; P-142, serial no. —."

(3) The ratings applied in accordance with paragraph (b) (2) hereof may be extended in the manner provided in Priorities Regulation No. 3, subject, however, to the restrictions contained in CMP Regulation No. 3.

(4) An order for material, other than controlled material, bearing a rating applied or extended in accordance with this paragraph (b) and the CMP allotment symbol T-7 shall have the same status as a rated order bearing a CMP allotment number under all applicable CMP regulations. Such symbol shall constitute an "allotment number or symbol" for the purpose of CMP Regulation No. 3.

(c) *Controlled materials.* (1) The CMP allotment symbol T-7 is hereby as-

signed (instead of the symbol MRO-P-142) to orders to be placed by an operator for controlled material, except aluminum, for a use authorized by paragraph (d) of this order, and in amounts authorized pursuant to application made upon Form WPB-2585 (formerly Form PD-844) in accordance with paragraph (g) (3).

(2) An order for controlled material, except aluminum, for a use authorized by paragraph (d), bearing the CMP allotment symbol T-7 and the certification required in paragraph (b) (2), shall constitute an authorized controlled material order.

(3) Aluminum for delivery after April 5, 1943, required by an operator for any purpose authorized by this order, may be obtained only upon specific application to the War Production Board, pursuant to paragraph (g) (2) hereof.

(d) *Restrictions on use of material.* (1) No operator shall use any material (including controlled materials, Class A products, Class B products, and other products and materials) acquired under the provisions of paragraph (b) or (c) of this order, nor make withdrawals of any material from inventory, except for the following purposes:

(i) Maintenance, repair and operating supplies;

(ii) Heavy repair of locomotives;

(iii) Heavy repair of railroad cars;

(iv) Replacement of rail with the weight of rail and type of fastenings conforming to the operator's standard practice; or

(v) For any other use when specifically authorized in writing by the War Production Board.

(2) No operator shall make withdrawals of any material from inventory for construction except to the extent specifically permitted by Conservation Order L-41, as amended from time to time; *Provided*, That any new materials (in excess of \$500 for any one project) so used from inventory shall be replaced only pursuant to the provisions of an approved order in the P-19 series.

(e) *Conservation of materials.* (1) Every operator shall, whenever possible, use conservation measures such as substitution, redesign and respecification to eliminate scarce materials normally used; and shall plan his operation, maintenance and repair schedules in accordance with the relative urgency and national need for transportation, subject to the provisions of this order. The War Production Board may from time to time issue supplementary orders or schedules requiring the elimination or diminution of the use of any material with or without the substitution of other materials, and may specify the use to which specific types of materials can be put.

(f) *Inventory control.* Notwithstanding any provision of this order, and unless otherwise specifically authorized in writing by the War Production Board, no operator shall accept delivery of any item of material (except fuel) if his storehouse inventory of such item is, or will by virtue of such acceptance become, greater than the quantity of such item he will be required by his current practices to

put into a use authorized by this order during the succeeding 60-day period. Nothing in this paragraph (f) shall be deemed to prevent any operator from maintaining minimum stocks of material for emergency use, nor from acquiring reasonable stocks of ties and lumber for seasoning. Shipment of material from the storehouse in advance of its actual need shall be deemed contrary to the intent of this paragraph. The foregoing inventory control does not apply to printed matter.

(g) *Procedure*—(1) No operator shall be entitled to any assistance under the provisions of this order until he has been assigned an authorized serial number, which may be obtained upon application by letter to the War Production Board, stating that the applicant will be unable to obtain all of his controlled material requirements at retail or under the provisions of CMP Regulation No. 4. In addition, any person who can obtain all such requirements at retail or under that regulation may elect to apply as above for an authorized serial number. When such serial number is assigned to him, he shall be deemed an operator under all the provisions of this Order P-142.

(2) An operator, in order to secure authorization or exemption under paragraphs (b) (1) (i), (c) (3), (d) (1) (v), (f) or (h) (2) hereof, must communicate with the War Production Board, describing the nature of the emergency or the reason why specific authorization is necessary, and the amount and type of material involved. The War Production Board will thereupon notify such operator in writing whether, and to what extent, his application is approved.

(3) An operator, in order to secure authorization for delivery of material under paragraphs (b) (1) (ii) and (c) (1) hereof, must forward to the War Production Board, 60 days prior to the beginning of each calendar quarter, an application on Form WPB-2585 (formerly Form PD-844) filled out in accordance with instructions thereon, and in accordance with any supplemental instructions covering all or any one or more operators, or specific classes of operators, under the provisions of this Order P-142. A supplemental application on Form WPB-2585 (formerly Form PD-844) may be filed as the need arises. The War Production Board will in each case return such Form, notifying the operator whether, and to what extent, his application is approved.

(h) *Resale of materials*. (1) An operator may resell material (whether or not obtained with the assistance of this order):

(i) To any other operator,

(ii) To another person when such material is to be physically incorporated in repairs of equipment that is used in the maintenance, repair, or operations of the operator's own property: *Provided*, That such material could have been used by the operator itself in making its own repairs without violation of any of the provisions of this order.

(iii) To the operator's own transportation system subsidiaries, or for the

maintenance of track or equipment not owned but customarily maintained by the operator or its subsidiaries, or

(iv) For the repair of equipment of another carrier in accordance with the Code of Rules for the Interchange of Traffic as adopted by the Association of American Railroads.

and any such sale shall be expressly permitted within the provisions of paragraph (c) (3) of Priorities Regulation No. 13: *Provided*, That nothing in this paragraph (h) (1) shall be deemed to authorize receipt or use of any material by any person in violation of any inventory or use restriction imposed by this order or any other order or regulation of the War Production Board, and no operator shall make any sale of material authorized above if he knows or has reason to believe that receipt or use thereof by the buyer will be in violation of any such restriction.

(2) In addition, an operator may resell such material when specifically authorized in writing by the War Production Board.

(i) *Appeal*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Records, audits and reports*. Each operator shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each operator shall execute and file with the War Production Board or other designated agency such reports and questionnaires as the War Production Board shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(k) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Applicability of regulations*. (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or No. 5A shall apply to operators as defined in paragraph (a) (3) of this order, and no such operator shall obtain any material under the provisions of either of those regulations.

(m) [Deleted Sept. 18, 1943.]

(n) *Communications*. All communications concerning this order, unless otherwise directed, shall be addressed to: War Production Board, Transporta-

tion Equipment Division, Washington 25, D. C.; Ref.: P-142.

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18405; Filed, November 15, 1943;  
11:31 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER<sup>1</sup>

[Conservation Order M-47 as Amended Nov. 15, 1943]

##### BURLAP AND BURLAP PRODUCTS

Section 1014.1 Conservation Order M-47 is hereby amended to read as follows:

§ 3290.256<sup>1</sup> Conservation Order M-47—  
(a) *Definitions*. For the purpose of this order:

(1) "Authorized government agency" means the Foreign Economic Administration, the Defense Supplies Corporation, and any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended.

(2) "Burlap" means jute cloth, plain woven of single yarns, other than brattice cloth and linoleum cloth, weighing more than six and not more than sixteen ounces per yard of cloth forty inches wide.

(3) "Frozen burlap" means intact bales of burlap held by any person not manufacturing bags as permitted by Order M-221.

(4) "Bag manufacturer" means any person who manufactured new bags during the years 1939 and 1940 from imported burlap.

(b) *Imports*. The importation of burlap shall be in accordance with the provisions of General Imports Order M-63. Burlap imported pursuant to General Imports Order M-63, unless otherwise specifically directed by the War Production Board, is not subject to the provisions of this Order M-47.

(c) *Allocation of stockpiled burlap*. No authorized government agency shall dispose of burlap except as authorized by the War Production Board or to fill orders for full and intact bales of burlap (to be used for purposes other than the manufacture of bags) to which a preference rating of AA-5 or higher has been duly assigned, applied or extended in accordance with Conservation Order M-328. The War Production Board may from time to time allocate the supply of stockpiled burlap and specifically direct the quantities, time, and manner in which deliveries by any authorized government agency shall be made or withheld. It may also direct or prohibit particular uses of burlap. Any direction, prohibition, or allocation issued pursuant to this paragraph, to be valid, must be in writing in the name of the War Production Board.

(d) *Quotas and allocations of burlap for bag manufacturers*. (1) The War

<sup>1</sup> Formerly Part 1014, § 1014.1.

Production Board will assign to each bag manufacturer a burlap quota representing the percentage his average annual cut-up (i. e., the lineal yardage of burlap converted by him into bags) during the years 1939 and 1940, bears to the total average annual cut-up during the same years by all bag manufacturers who are assigned quotas.

(2) The War Production Board will, from time to time, issue burlap allocation certificates to bag manufacturers based on their assigned burlap quotas. Certificates shall be used only in accordance with their terms.

(3) No bag manufacturer shall purchase burlap except as authorized in his burlap allocation certificate. No bag manufacturer shall purchase and no person shall sell burlap to a bag manufacturer unless he endorses on his purchase order the serial number and the sequence number of his burlap allocation certificate.

(4) No bag manufacturer shall use or dispose of burlap received against his burlap allocation certificate except as permitted by Order M-221. However, if requested, he shall fill orders (for burlap for use other than in the manufacture of bags) bearing a preference rating of AA-5 or higher, which have been duly assigned, applied or extended in accordance with Conservation Order M-328, provided no bag manufacturer shall be required to fill rated orders for a total of more than five bales of burlap from any one person in any calendar month.

(5) Notwithstanding any allotment made available by a burlap allocation certificate, no bag manufacturer shall purchase any burlap in excess of a minimum practicable working inventory at his then current rate of operation.

(e) *Burlap for purposes other than the manufacture of bags.* A person not having a quota, who needs burlap (for other than the purpose of manufacturing bags) to fill orders to which a preference rating of AA-5 or higher has been duly assigned, applied or extended in accordance with Conservation Order M-328, may obtain such burlap from the Defense Supplies Corporation or its authorized representatives (unless his order is for less than a full bale), from bag manufacturers or from persons owning frozen burlap.

(f) *Frozen burlap.* No person having an inventory of frozen burlap shall dispose of all or any part of it except to fill orders to which a preference rating of AA-5 or higher has been duly assigned, applied or extended in accordance with Conservation Order M-328, or to make sales to the Defense Supplies Corporation or to bag manufacturers against their burlap allocation certificates as described in paragraph (d). Any person disposing of frozen burlap to a bag manufacturer shall immediately notify by letter the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., stating the name of the buyer, the quantity of bales, the serial number and sequence number of the burlap allocation certificate authorizing the buyer to accept delivery.

(g) *Damaged burlap.* Any person who has in his possession any bales of damaged burlap shall report to the War Production Board the extent of the damage and the percentage not suitable for the

manufacture of bags as permitted by Order M-221. Such statement shall be made by letter setting forth all pertinent facts. If the War Production Board acknowledges receipt of his letter without stating any objection, he may then use or dispose of his damaged burlap free of the restrictions of this order.

(h) *Saving clause.* Quotas, certificates, directions, allocations and authorizations issued pursuant to this order previous to any amendment thereof shall remain in effect subsequent to such amendment unless specifically revoked.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board including General Conservation Order M-328, as amended from time to time.

(k) *Reports and communications.* (1) Each bag manufacturer shall file with the War Production Board on Form WFB-2906 a report of his inventories, receipts and distribution of burlap as required by instructions issued on or with the form. The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) All reports required to be filed under, and all communications concerning this order shall be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference M-47.

(l) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18403; Filed, November 15, 1943;  
11:31 a. m.]

#### PART 3291—CONSUMERS DURABLE GOODS

[Schedule V, as Amended Nov. 15, 1943, to  
Supplementary Limitation Order L-7-c]

##### DOMESTIC ICE REFRIGERATORS

§ 3291.21 Schedule V to Limitation Order L-7-c. Pursuant to paragraph (b) (2) of Limitation Order L-7-c, the following production quotas for domestic ice refrigerators are hereby established for the period from October 1 to December 31, 1943, inclusive.

(a) *Manufacturers in Group I and Group II labor areas.* Each of the following manufacturers located in a Group

I or Group II labor area on October 1, 1943, as classified by the War Manpower Commission, is authorized to produce the number of domestic ice refrigerators set forth opposite his name. Such manufacturer may not produce more domestic refrigerators than the number set forth opposite his name, even for orders bearing preference ratings.

Name	Number of domestic ice refrigerators
George H. Dean, Inc., Norwood, R. I.	435
Getz Bros. and Company, San Francisco, Calif.	1,100
Ice Cooling Appliance Corp., Morrison, Ill.	18,325
Minton Lumber Company, Mountain View, Calif.	614
Modern Refrigerator Works, Glendale, Calif.	4,620
Progress Refrigerator Co., Louisville, Ky.	3,795
L. D. Reeder Co., Los Angeles, Calif.	14,225
Victory Mfg. Corp., Baltimore, Md.	610
Ward Refrigerator Co., Los Angeles, Calif.	17,970

(b) *Manufacturers in other areas.* Each person listed below is authorized to produce the number of domestic ice refrigerators set forth opposite his name. In addition, each person named may produce, without limit as to number, domestic ice refrigerators pursuant to orders bearing preference ratings of AA-5 or higher.

Name	Number of domestic ice refrigerators
Alaska Refrigerator Company, Brooklyn, N. Y.	7,113
American Fixture & Mfg. Company, St. Louis, Mo.	11,385
Atkins Table & Cabinet Company, Brooklyn, N. Y.	5,000
Brunswick Refrigerator Company, Brooklyn, N. Y.	4,000
Colson Metal Products Company, Kansas City, Mo.	750
Coolerator Company, Duluth, Minnesota	46,000
Doherty-Stirling, Inc., Baton Rouge, La.	500
Dratch's Victory Refrigerator Box, Brooklyn, N. Y.	2,500
Durasteel Company, Hannibal, Mo.	6,000
Fy-Boro Metal Products Co., Brooklyn, N. Y.	6,000
Globe Wood Products Company, Brooklyn, N. Y.	5,000
Home Building Corporation, Kansas City, Mo.	3,000
Iceland Refrigerator Company, Brooklyn, N. Y.	5,000
King Refrigerator Corp., Brooklyn, N. Y.	6,000
Kozy Coach Company, Kalamazoo, Mich.	1,500
Maine Manufacturing Company, Nashua, N. H.	15,500
C. Nelson Manufacturing Co., St. Louis, Mo.	3,000
Sanitary Refrigerator Company, Fond du Lac, Wis.	17,174
Scott Graff Company, Duluth, Minnesota	3,000
Sheridan Store Equipment Co., Kansas City, Mo.	5,000
Stoddard Manufacturing Co., Mason City, Iowa	1,200
Success Manufacturing Company, Gloucester, Mass.	6,000
Superb Refrigerator Co., Brooklyn, N. Y.	3,000

Name	Number of domestic ice refrigerators
Superior Domestic Ice Refrigerator Co., Brooklyn, N. Y.	3,000

Issued this 15th day of November, 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18404; Filed, November 15, 1943;  
11:31 a. m.]

**PART 3291—CONSUMERS DURABLE GOODS**  
[General Limitation Order L-227, as Amended  
Nov. 15, 1943]

**FOUNTAIN PENS AND MECHANICAL PENCILS**

**§ 3291.210 General Limitations Order  
L-227—(a) Definitions.** For the purposes of this order:

(1) "Fountain pen" means a writing device which can hold more fluid than that retained by capillary attraction on the surface of its pen nib. A dip pen is a fountain pen whether or not a pen nib is attached to it.

(2) "Mechanical pencil" means a writing instrument having a movable core of marking material encased in a housing.

(3) "Manufacturer" means a person who produces or assembles fountain pens, or mechanical pencils or who manufactures or assembles any parts or repair parts made specifically for incorporation into these products.

(4) "Part" means any part made specifically for incorporation into a fountain pen or mechanical pencil except a repair part.

(5) "Repair part" means any part made specifically for incorporation into a fountain pen or mechanical pencil which is not produced for or used in a new fountain pen or mechanical pencil.

(6) "Special order" means any order, contract or subcontract placed by or for the Army or Navy of the United States (including Post Exchanges and Ship's Service Stores), the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and government agencies or other persons acquiring products covered by this order for export to any foreign country under a license issued by the Office of Economic Warfare.

(b) *Specifications for fountain pens, mechanical pencils, parts and repair parts.* No manufacturer shall use any iron, steel, stainless steel, copper, copper base alloy, zinc or crude, reclaimed or synthetic rubber in the manufacture of fountain pens and mechanical pencils or parts or repair parts thereof, except:

(1) Low carbon steel for functional parts of fountain pens, other than pen nibs made specifically for incorporation into a fountain pen;

(2) For functional parts of mechanical pencils not more than 8 pounds of low carbon steel per 1,000 pencils;

(3) Parts and repair parts already or partly fabricated from zinc before September 15, 1943, if zinc was used as permitted by any order in the M-11 series;

(4) Copper in the production of silver or 14 karat gold pen nibs;

(5) Crude, reclaimed or synthetic rubber as permitted in Rubber Order R-1, as amended, or any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

(c) *Limitation on production of fountain pens and mechanical pencils, for all purposes.* From July 1, 1943, through September 30, 1943, no manufacturer shall produce more than:

(1) 8 3/4% of the total number of steel pen nib fountain pens produced by him during 1941;

(2) 12 1/2% of the total number of gold pen nib fountain pens produced by him during 1941;

(3) 11 1/4% of the total number of mechanical pencils produced by him during 1941.

(d) *Restrictions on production and delivery of fountain pens and mechanical pencils to fill special orders.* (1) On or after October 1, 1943, no manufacturer shall produce or deliver any fountain pens or mechanical pencils to fill special orders except according to quotas specifically approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer must file this form with the War Production Board on or before the 15th days of March, June, September and December, showing his proposed production and delivery.

(e) *Restrictions on the production of fountain pens or mechanical pencils for other than special orders.* For other than special orders, during the calendar quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than:

(1) 5 1/2% of the total number of steel pen nib fountain pens produced by him during 1941;

(2) 7 1/2% of the total number of gold pen nib fountain pens produced by him during 1941;

(3) 5% of the total number of mechanical pencils produced by him during 1941.

(f) *Limitation on production of parts and repair parts for fountain pens and mechanical pencils for all purposes.* (1) From July 1, 1943, through September 30, 1943, and during each calendar quarter after that, no manufacturer shall produce more parts, in addition to those which he assembles into completed fountain pens or mechanical pencils, than:

(i) 12 1/2% of the number of parts for fountain pens which he produced for sale to others as parts (not as assembled fountain pens) during 1941.

(ii) 11 1/4% of the number of parts for mechanical pencils which he produced for sale to others as parts (not as assembled mechanical pencils) during 1941.

(2) From July 1, 1943, through September 30, 1943, and during each calendar quarter after that, no manufacturer shall produce more than 30% of the number of repair parts produced by him during 1941.

[A new paragraph (g) added and former paragraphs (g), (h), (i), (j), (k), (l) and (m) redesignated (h), (i), (j), (k), (l), (m) and (n), respectively]

(g) *Restriction on purchase and sale of fountain pen parts.* No person shall buy or accept delivery of any fountain pen parts except for the manufacture, production and assembly of fountain pens (including dip pens) as permitted by this order or for use or resale as repair parts. No person shall sell or deliver any fountain pen parts if he knows or has reason to believe that the purchaser is getting them in violation of this provision.

(h) *Special paragraph on plating.* No manufacturer shall use in the production of fountain pens or mechanical pencils any plating, coating or other metal finish containing:

(1) Zinc, tin, cadmium or nickel;

(2) Copper except as permitted by Order M-9-c.

(i) *Reports.* Every manufacturer producing any fountain pens and mechanical pencils, parts or repair parts, shall file with the War Production Board, Washington 25, D. C., Ref.: L-227, Form WPB-2719 (formerly PD-880) on or before the 15th days of March, June, September and December, executed in accordance with the instructions for filing that form.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of fountain pens and mechanical pencils, inventories of raw materials, semi-processed materials, or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Appeals.* Any appeal from the provisions of this order should be filed on Form WPB-1477 (formerly PD-500).

(m) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of fountain pens and mechanical pencils to a greater extent than does this order, the other order shall govern unless it states otherwise.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L-227.

Issued this 15th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18407; Filed, November 15, 1943;  
11:13 a. m.]

## Chapter XI—Office of Price Administration

## PART 1370—ELECTRICAL APPLIANCES

[MPR 111,<sup>1</sup> Amdt. 11]

## NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 111 is amended in the following respects:

1. Section 1370.12 (a) is amended by adding to the Eureka Vacuum Cleaner Company's price list, the following maximum price for attachment:

Model	Description	Retail price
Regular attachment set.	This set includes the following pieces: 8' hose with swivel couplings and connections (fits all model Eurekas except tank models and D-17). Aluminum upholstery nozzle with brush attachment. One piece extension tool. Radiator tool.	\$6.00

This amendment shall become effective November 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18293; Filed, November 12, 1943;  
3:43 p. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,<sup>2</sup> Corr. to Amdt. 18]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following corrections in item 111 in § 1388.1201 in Amendment 18 to Designation and Rent Declaration 25 are hereby issued.

1. After the word "Lamar" add the words "and Pickens."

2. Before the word "Monroe" insert the word "and" and after the word "Monroe" strike out the words "and Pickens."

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18298; Filed, November 12, 1943;  
3:44 p. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 2307, 2794, 3330, 3776, 6049, 4299, 7839, 8937, 8948; 8 F.R. 3252, 8600, 8678.

<sup>2</sup> 7 F.R. 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738, 9021, 10738, 12094, 13919.

## PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,<sup>1</sup> Corr. to Amdt. 13]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction to Amendment 13 to Designation and Rent Declaration 31 is hereby issued.

In item 42 in § 1388.1341 after the word "except" in the third column insert the words "the County of Skagit and."

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18299; Filed, November 12, 1943;  
3:44 p. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,<sup>2</sup> Corr. to Amdt. 6]

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction to Amendment 6 to Rent Regulation for Hotels and Rooming Houses is hereby issued.

The reference in item 164 of Schedule A to "Mississippi" in the fourth line with "Pickens" is deleted and replaced by a reference to "Alabama."

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18295; Filed, November 12, 1943;  
3:44 p. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,<sup>2</sup> N. Y. C. Area, Incl. Amdt. 2]

## NEW YORK CITY AREA

Section 5 (e) is amended, by Amendment 2, effective November 13, 1943, so that Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area shall read as follows:

§ 1388.1291 Rent regulation for hotels and rooming houses in New York City Defense-Rental Area. The Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is annexed hereto and made a part hereof.

## RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE NEW YORK CITY DEFENSE-RENTAL AREA

## CONTENTS

## Sec.

1. Scope of this regulation.
2. Prohibition.
3. Minimum services, furniture, furnishings, and equipment.

<sup>1</sup> 8 F.R. 122, 1229, 1749, 4779, 5738, 5739, 10739, 12099, 12624, 13920, 14012, 14687.

<sup>2</sup> 8 F.R. 7334, 9019, 9021, 10618, 10739, 11161, 12025, 12795.

## Sec.

4. Maximum rents.
5. Adjustments and other determinations.
6. Removal of tenant.
7. Registration and records.
8. Inspection.
9. Evasion.
10. Enforcement.
11. Procedure.
12. Petitions for amendment.
13. Definitions.

AUTHORITY: § 1388.1291 issued under 56 Stat. 23, 765.

## SECTION 1. Scope of this regulation—

(a) *Rooms in hotels and rooming houses in the New York City Defense-Rental Area.* This regulation applies to all rooms in hotels and rooming houses in the New York City Defense-Rental Area, consisting of the City of New York (including the Boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures used as hotels or rooming houses.* Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to November 1, 1943.

(e) *Election by landlord to bring housing under this regulation.* Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing

accommodations rented on a daily, weekly, or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such a building or establishment under the control of this regulation. A landlord who so elects shall file a registration statement under this regulation for all such housing accommodations accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Rent Regulation for Housing in the New York City Defense-Rental Area, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Rent Regulation for Housing in the New York City Defense-Rental Area all housing accommodations previously brought under this regulation by such election. He shall make such revocation by filing a registration statement or statements under the Rent Regulation for Housing in the New York City Defense-Rental Area, including in such registration statement or statements all housing accommodations brought under this regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Rent Regulation for Housing in the New York City Defense-Rental Area.

**SEC. 2. Prohibition—(a) Prohibition against higher than maximum rents.** Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after November 1, 1943 of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

**(b) Terms of occupancy—(1) Tenant not required to change term of occu-**

*pancy.* No tenant shall be required to change his term of occupancy.

**(2) Term of occupancy during thirty days ending on March 1, 1943.** Where, during the thirty days ending on March 1, 1943, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during the thirty days ending on March 1, 1943. However, if, during the year ending on March 1, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this regulation or are likely to result in the circumvention or evasion thereof.

**(3) Request by tenant to change term of occupancy.** Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during the thirty days ending on March 1, 1943, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

**(4) Monthly term of occupancy in tourist camps, etc.** Where, since March 1, 1943, a room, cabin, or similar accommodations in a tourist camp, cabin camp, auto court or similar establishment has been or is hereafter rented to the same tenant for a continuous period of 60 days or longer on a daily or weekly basis, the landlord shall offer such room, cabin or other accommodations for rent for a monthly term of occupancy, regardless of the provisions of subparagraph (2) of this paragraph. The room, cabin or other accommodations shall be offered for rent on a monthly basis for each number of occupants for which it is offered by the landlord for any other term of occupancy. Any tenant of such room, cabin or other accommodations on a daily or weekly basis shall on request be permitted by the landlord to change to a monthly term of occupancy.

Notwithstanding the provisions of section 4 (c) of this regulation, if no maximum rent is established for such room, cabin or other accommodations for a monthly term of occupancy or for a particular number of occupants for such term, the Administrator on his own initiative may enter an order fixing the

maximum rent for that term and number of occupants and specifying the minimum services. This maximum rent shall be fixed on the basis of the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

**SEC. 3. Minimum services, furniture, furnishings, and equipment.** Except as set forth in section 5(b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which ratios or limits the use of fuel oil.

**SEC. 4. Maximum rents.** This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in section 5) shall be:

**(a) Rented or regularly offered during maximum rent period.** For a room rented or regularly offered for rent during the thirty days ending on March 1, 1943, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

**(b) First rented or regularly offered after maximum rent period.** For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1943, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1943; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

**(c) First rent after March 1, 1943 where no maximum rent established under (a) or (b).** For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1943 for that term and number of occupants, but no more than the maximum rent for similar rooms for the

same term and number of occupants in the same hotel or rooming house.

(d) *Rooms constructed and owned by the government.* For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on March 1, 1943.

(f) *Rooms subject to rent schedule of War or Navy Department.* For a room rented to either Army or Navy personnel including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

**Sec. 5. Adjustments and other determinations.** In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1943 the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, where it appears that the rent

during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1943. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1943.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance.

(2) *Major capital improvement prior to March 1, 1943.* There was, on or prior to March 1, 1943, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance, and the rent during the thirty-day period ending on March 1, 1943, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) *Substantial increase in services, furniture, furnishings, or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) *Special relationship between landlord and tenant.* The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(5) *Lease for term commencing on or prior to March 1, 1942.* There was in force on March 1, 1943 a written lease, for a term commencing on or prior to March 1, 1942, requiring a rent substantially lower than the rents generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(6) *Varying rents.* The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

[Subparagraphs (5) and (6) as corrected.  
8 F.R. 14617]

(7) *Seasonal demand.* The rent during the thirty-day period determining the maximum rent for the room was sub-

stantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) *Decreases in minimum services, furniture, furnishings and equipment—*

(1) *Decreases existing on November 1, 1943.* If, on November 1, 1943, the services provided for a room are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services, or, on or before November 30, 1943, file a petition requesting approval of the decreased services. If, on November 1, 1943, the furniture, furnishings or equipment provided with a room are less than the minimum required by section 3, the landlord shall on or before November 30, 1943, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after November 1, 1943.*

Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section 5 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in services, furniture, furnishings, or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent.

(4) *Seasonal demand.* The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such rooms. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) *Orders when facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed on or before November 30, 1943, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1943.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) or (d) of this section, or a proceeding is initiated by the Administrator under paragraph (d), the Administrator may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

[Paragraph (e) added by Am. 1, 8 F.R. 14814, effective 11-1-43, and amended by Am. 2, effective 11-13-43]

SEC. 6. *Removal of tenant—(a) Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access.* The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) *Room not offered for rent.* The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) *Administrator's certificate.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are

not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(c) *Notice to Area Rent Office.* At the time of commencing any action to remove or evict a tenant (except an action based on nonpayment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) *Exceptions from section 6.* The provisions of this section do not apply to:

(1) *Subtenants.* A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Daily or weekly tenants in hotel and daily tenants in rooming house.* A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (4).

(3) *Rooms subject to rent schedule of War or Navy Department.* Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(4) *One or two occupants.* An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(5) *Renting to family in landlord's residence.* A family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any person within such residence other than those in the one family.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. *Registration and records—(a) Registration statement.* On or before November 30, 1943, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after November 1, 1943 under paragraphs (b) or (c) of section 4 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) *Posting maximum rents.* On or before November 30, 1943, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under section 4 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records—(1) Existing records.* Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c), and (iii) rooms rented and offered for rent on a weekly and monthly basis during the thirty days ending on March 1, 1943.

(2) *Record keeping.* On and after November 1, 1943, every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 8. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

SEC. 9. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with

the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provisions of this regulation are subject to criminal penalties, civil enforcement actions, and suits for treble damages as provided for by the Act.

SEC. 11. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) "Services" includes repairs, decorating, and maintenance, the furnish-

ing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) "Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

*Effective date.* This regulation shall become effective November 1, 1943. [Issued October 8, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

*Note.* All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18294; Filed, November 12, 1943;  
3:45 a. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing.<sup>1</sup> Corr. to Amdt. 10]

Under the authority vested in the administrator by the Emergency Price Control Act of 1942, the following correction to Amendment 10 to Rent Regulation for Housing is hereby issued.

The reference in item 164 of Schedule A to "Mississippi" in the fourth line with

<sup>1</sup> 8 F.R. 9020, 9021, 10618, 10741, 12025, 12660, 12622, 12693, 12795, 13390.

## FEDERAL REGISTER, Tuesday, November 16, 1943

"Pickens" is deleted and replaced by a reference to "Alabama."

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18297; Filed, November 12, 1943;  
3:44 p. m.]

## PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing, N. Y. C. Area,<sup>1</sup>  
Amdt. 2]

## NEW YORK CITY AREA

Section 5 (f) of Rent Regulation for Housing is amended to read as follows:

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) or (d) of this section, or a proceeding is initiated by the Administrator under paragraph (d), the Administrator may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

This amendment shall become effective November 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18296; Filed, November 12, 1943;  
3:45 p. m.]

## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13.<sup>2</sup> Amdt. 29 to Rev. Supp. 1]

## PROCESSED FOODS

The point values of spreads, on the Official Table of Point Values (No. 9) referred to in paragraph (a) of § 1407-1102, are amended by substituting the following two weight brackets for the first weight bracket as it now appears on that table:

Spreads	Over 0 including 5½ oz.	Over 5½ oz. including 8 oz.	Points	Points
Jams, preserves, or non-citrus marmalades.....	0	3		
Jellies.....	0	2		
Citrus marmalades.....	0	0		
Fruit butters.....	0	2		

<sup>1</sup> 8 F.R. 13914.

<sup>2</sup> 8 F.R. 1840, 3948, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089, 10728, 11387, 11447, 11483, 11812, 12026, 12181, 12299, 13492.

This amendment shall become effective November 12, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18300; Filed, November 12, 1943;  
3:44 p. m.]

## PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183,<sup>3</sup> Corr. to Amdt. 11]

## PUERTO RICO

Section 54 (b) (5) is corrected by deleting the phrase "by using the multiplier for Group B items" and substituting the phrase "by using the multiplier for Group A items".

This correction shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18303; Filed, November 12, 1943;  
3:44 p. m.]

## PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,<sup>4</sup> Amdt. 23]

## MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The table following section 21 (d) (1) is amended by deleting the items "Newton Red Diamond", "California" and "Newton Blue Diamond" from the category "Apples"; and by adding a new item to the category "Apples" to read as follows:

	Whole- sale maxi- mum prices	Special institutional maxi- mum prices	Retail maxi- mum prices
Apples: Newton Pippin extra fancy and fancy.....	Per box \$4.15	None	Per lb. \$.015

This amendment shall become effective as of November 1, 1943.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 9532, 10763, 10906, 11437, 11847,

12549, 10937, 12632, 13165, 13847, 14090.

<sup>2</sup> 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064,

8550, 10270, 10666, 10984, 11247, 11437, 11849,

12299, 12703, 13023, 13342, 13500, 14139.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18302; Filed, November 12, 1943;  
3:43 p. m.]

## PART 1418—TERRITORIES AND POSSESSIONS

[GMPR for Hawaii, Corr. to Amdt. 1<sup>1</sup>]

## HAWAII

Amendment 1 to the General Maximum Price Regulation for Hawaii is corrected by changing the reference to "section 11 (a) (4)" to read: "section 13 (a) (4)".

This correction shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18301; Filed, November 12, 1943;  
3:43 p. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,<sup>2</sup> Amdt. 8]

## CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 422 is amended in the following respect:

1. The definition of "Potatoes, white" in the list of commodity definitions under section 39 (b) is changed to read as follows:

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war approved seed potatoes). Each grade and variety of white potatoes shall be considered a separate item and priced separately.

This amendment shall become effective November 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

Approved: November 6, 1943.

Marvin Jones,  
War Food Administrator.

[F. R. Doc. 43-18328; Filed, November 13, 1943;  
11:54 a. m.]

<sup>1</sup> 8 F.R. 5307, 6362.

<sup>2</sup> 8 F.R. 9395, 10569, 10987, 12448, 12611, 13494.

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423, Amdt. 9]

## CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 423 is amended in the following respect:

1. The definition of "Potatoes, white" in the list of commodity definitions under section 28 (b) is changed to read as follows:

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war approved seed potatoes). Each grade and variety of white potatoes shall be considered a separate item and priced separately.

This amendment shall become effective November 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

Approved: November 6, 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18329; Filed, November 13, 1943;  
11:54 a. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271, Incl. Amdt. 8]

## POTATOES AND ONIONS

Section 1 (a), 6 and 8 (a) (16) amended; section 4 (c) added; sections 8 (a) (14), (15) and Article III revoked effective Nov. 19, 1943, so that Revised Maximum Price Regulation No. 271 shall read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Preamble as amended by Supplementary Order 55, 8 F.R. 12550, effective 9-11-43]

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

\*Copies may be obtained from the Office of Price Administration.

\*8 F.R. 9407, 10570, 10988, 12443, 12611, 13294.

\*8 F.R. 7017.

\*Statements of Consideration are also issued with amendments. Copies may be obtained from the Office of Price Administration.

§ 1351.1001 *Maximum prices for potatoes and onions.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as Amended, and Executive Order Nos. 9250 and 9328, Revised Maximum Price Regulation 271 *Potatoes and Onions*, which is annexed hereto and made a part hereof, is hereby issued.

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the OPA shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or sub-contracts.]

**AUTHORITY:** § 1351.1001 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 271—  
POTATOES AND ONIONS

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## ARTICLE I—APPLICABILITY, PURPOSES AND DEFINITIONS

**SECTION 1. Commodities covered.** This regulation covers:

- (a) White flesh tablestock potatoes (including selected seed potatoes).

[Paragraph (a) as amended by Amendment 8, effective 11-19-43]

- (b) All dry onions.

**SEC. 2. Types of sellers covered.** This regulation applies to each and every seller of potatoes and onions except retailers.

**SEC. 3. Geographical applicability.** The provisions of this regulation shall be applicable to the forty-eight states of

the United States and the District of Columbia.

**SEC. 4. Exempt sales.** The provisions of this regulation shall not apply to the following:

(a) Sales and deliveries at retail (See Maximum Price Regulation Nos. 422,\* and 423\*);

[Paragraph (a) as amended by Amendment 7, 8 F.R. 13338, effective 10-1-43]

(b) Sales and deliveries by any person of Australian brown onions of the 1943 crop to the United States or any purchasing agency thereof.

(c) Sales and deliveries of certified, war approved and foundation stock seed potatoes (See Maximum Price Regulation No. 492).

[Paragraph (c) as amended by Amendment 8, effective 11-19-43]

**SEC. 5. Export sales.** The maximum prices at which a person may export potatoes and onions covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,\* issued by the Office of Price Administration.

**SEC. 6. Purposes.** The purposes of this regulation are to establish maximum prices for tablestock potatoes (including selected seed potatoes) and onions for sales f. o. b. country shipping point, for sales by carlot or trucklot distributors, for sales by intermediate sellers, and for sales to retailers (See Article II).

[Sec. 6 as amended by Amendment 8, effective 11-19-43]

**SEC. 7. Prohibition against sales above maximum prices.** On and after May 25, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business, shall buy or receive potatoes and onions at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. Lower prices than the maximum prices may be charged and paid.

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

**SEC. 8. Definitions.** (a) When used in this regulation the term:

(1) "Person" includes individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Grower" means a person who produces potatoes or onions.

\*8 F.R. 9395, 10569, 12443, 12611, 13294, 14853.

\*8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854.

\*8 F.R. 4132, 7662, 9998.

(3) "Country shipper" means any person, including a grower or grower's sales agent, who makes sales from a farm or other country shipping point to any other person.

[Paragraph (3) as amended by Amendment 3, 8 F.R. 9160, effective 7-1-43]

(4) "Grower's sales agent" means a person who customarily acts as an agent for growers and makes sales for the account of such growers at the country shipping point. Such agents customarily finance growers, purchase materials for growers, advise growers on production problems, handle railroad traffic and plans, extend credit to buyers and distribute potatoes and onions in carlots or trucklots for the account of the grower.

(5) "Intermediate seller" means any person (other than a retailer as defined in Maximum Price Regulation 422 and Maximum Price Regulation 423 and other than a country shipper) who purchases potatoes or onions for the purpose of reselling and who takes title and makes sales to any person who is not an ultimate consumer. The term "ultimate consumer" shall not include industrial, commercial, or institutional users (including procurement agencies of the United States or any State).

[Paragraph (5) as amended by Amendment 7, 8 F.R. 13338, effective 10-1-43]

(6) [Revoked]  
(7) [Revoked]

[Paragraphs (6) and (7) revoked by Amendment 7, 8 F.R. 13338, effective 10-1-43]

(8) "Variety" means any of the varieties of potatoes and onions listed in Article V, section 24.

(9) "Grade" means official United States grades for potatoes and onions as set forth in the "United States Standards for Potatoes" and "United States Standards for Onions" issued by the United States Department of Agriculture.

(10) "Country shipping point" means a farm or other place in or near the producing area from which potatoes and onions are sold, shipped, delivered, or otherwise transferred to any person, or at which potatoes and onions are prepared for sale, shipment, delivery, or other transfer to any person. "Prepared" means, but is not limited to, loading, sacking, grading, sizing or harvesting.

[Paragraph (10) as amended by Amendment 3, 8 F.R. 9160, effective 7-1-43]

(11) "Broker" means a person who is an agent for the seller of potatoes and onions at the terminal market or any other wholesale receiving point, and who does not customarily warehouse, storage, or otherwise distribute potatoes and onions. If any person acts as an agent for the purchaser his commission shall be paid by the purchaser and shall not be added to the purchaser's base price or maximum price.

(12) "Hotel and restaurant supply houses" are persons who customarily purchase potatoes and onions at the terminal market or other wholesale receiving point, maintain repacking facilities, employ salesmen to call on institutions, hotels, restaurants and other commercial, industrial or institutional users, and who customarily make less

than carlot sales in original or broken packages for delivery locally within the metropolitan area or city limits.

(13) "Records" means books of account, ledgers, sales and price lists, sales slips, receipts, invoices, bills of lading and other papers and documents.

(14) [Revoked]

(15) [Revoked]

[Paragraphs (14) and (15) revoked by Amendment 8, effective 11-19-43]

(16) "Tablestock potatoes" means white flesh potatoes (including selected seed potatoes) for which maximum prices are established in Article V, section 24.

[Paragraph (16) as amended by Amendment 8, effective 11-19-43]

(17) "Cost of transportation" means the lowest of the following available to the shipper.

(i) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, including charges for pre-cooling, icing and other protective or accessorial services actually performed. Any allowance made by the carrier to a shipper or consignee for performing pre-cooling or other services may, nevertheless, be included in "cost of transportation" and may be retained by the person performing the services for which the allowance is made. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the amount actually paid to the carrier but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination plus rail charges for protective and accessorial services if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, provided that the total charge for a shipment of less than 20,000 pounds shall not exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial and protective charges which are stated in amounts per car, the per car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per car

charge which the weight of the shipment bears to 20,000 pounds, may be made against a shipment of less than 20,000 pounds. When pre-cooling or icing, not included in the carrier rates and charges, is performed by or for account of the shipper, the cost of this service, but not to exceed maximum prices prescribed by Maximum Price Regulation 165, may be added.

(iv) If a shipment is by a means owned or controlled by the seller an amount not in excess of the lowest of the rates mentioned in (i), (ii), or (iii) above, available to the seller.

The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

[Paragraph (17) amended by Amendment 3, 8 F.R. 9160, effective 7-1-43 and Amendment 7, 8 F.R. 13338, effective 10-1-43]

(18) "Commission merchant" means a person who is the agent in the terminal market or other wholesale receiving point, of a country shipper or other seller, who receives potatoes or onions and who distributes them on behalf of his principal in less-than-carlot or less than trucklot quantities.

[Paragraph (18) added by Amendment 2, 8 F.R. 8075, effective 6-12-43]

(19) A "carlot sale" or a "trucklot sale" means a sale of a quantity of potatoes or onions shipped in one car or truck or other conveyance at one time, out of which 75% or more by weight is sold to one person. The sale of the remaining quantity to another person or persons may be considered a less-than-carlot sale or less-than-trucklot sale. The sale of that proportion of potatoes or onions moving in a mixed carload or mixed truckload with another commodity or commodities must be on the basis of a "carlot sale" or "trucklot sale" if the entire carload or truckload or 75% thereof by weight is sold to one person.

[Paragraph (19) added by Amendment 2; amended by Amendment 3, 8 F.R. 9160, effective 7-1-43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

#### ARTICLE II—MAXIMUM PRICES FOR TABLE STOCK POTATOES AND ONIONS

**SEC. 9. Maximum prices for country shippers.** (a) If you are a country shipper, your maximum prices f. o. b. country shipping point are established in Article V, section 24.

*Example 1:* Suppose you are a person (including a grower) who sells potatoes or onions in the State of Pennsylvania. You wish to sell 5 carlots of potatoes in September, 1943. You turn to Article V, section 24, Table III, and find that the maximum price for potatoes produced in your area and sold in November, 1943, is \$2.55 per cwt. This is the highest price which you are permitted to charge f. o. b. (usual terms or cash track) your country shipping point during September, 1943.

*Example 2:* Suppose you are a country shipper from Modoc county, in the State of California who wishes to sell unharvested

potatoes, to be harvested September, 1943. You turn to Article V, section 24, Table III, and you find that the maximum price for potatoes produced in Modoc county and sold in November, 1943, is \$2.40 per cwt. f. o. b. country shipping point. You may contract to sell these potatoes at the rate of \$2.40 per cwt. (on the basis of U. S. No. 1, grade sacked and loaded on carrier) according to the ultimate actual yield. You may also contract to sell these potatoes by the acre, but your contract, in such case, must provide that the ultimate selling price will be the per acre price of \$2.40 per cwt. according to the actual yield per acre, whichever is lower. You may not sell unharvested potatoes at a per acre price because you must know the yield before you can figure the price per cwt.

*Example 3:* Suppose you are a country shipper in the State of Wisconsin and ship potatoes in October, 1943, for delivery to the purchaser in November, 1943. You turn to Article V, section 24, Table III, and find that the maximum price for potatoes produced in your area is \$2.20 for October and \$2.30 per cwt. for November. Unless the carrier is owned or controlled by you, delivery to the carrier is considered to be delivery to the purchaser regardless of when title passes as a matter of sales law. Thus, the highest price you may charge for potatoes shipped in October on a carrier not owned or controlled by you is \$2.20 per cwt. f. o. b. country shipping point.

[Examples amended by Amendment 7, 8 F.R. 13338, effective 10-1-43 and corrected to conform with Table III]

(b) If a country shipper makes sales of potatoes or onions through a broker or growers' sales agent or makes sales of potatoes or onions on a delivered basis in the terminal market or other wholesale receiving point, the maximum price shall be computed as follows:

(1) For sales of potatoes and onions by country shippers through a broker or growers' sales agent, the maximum prices per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point, plus

6 cents per cwt. for potatoes.

8 cents per 50 pounds for onions.

(2) For sales of potatoes and onions by country shippers on a delivered basis in the terminal market or other wholesale receiving point, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point, plus the cost of transportation (as defined in section 8 (a) (17), from the country shipping point to the terminal market or other wholesale receiving point, plus

6 cents per cwt. for potatoes.

4 cents per 50 pounds for onions.

[Paragraph (2) as amended by Amendment 3, 8 F.R. 9160, effective 7-1-43]

(3) For sales of potatoes and onions by country shippers on a delivered basis in the terminal market or other wholesale receiving point, where the country shipper performs the functions of carlot or trucklot distribution (including, but without limitation, sales expenses for telephone, telegrams, salaried representatives, established sales offices and other similar customary sales activities) the maximum price per cwt. (in the case of

potatoes) and per 50 pounds (in the case of onions) shall be the maximum price, f. o. b. country shipping point, plus the cost of transportation (at lowest common or contract carrier rates for available transportation) from the country shipping point to the terminal market or other wholesale receiving point, plus

14 cents per cwt. for potatoes.

9 cents per 50 pounds for onions.

[Paragraph (3) as amended by Amendment 4, 8 F.R. 9995, effective 7-16-43]

(c) If a country shipper makes a delivered sale of potatoes and onions in less than carlot or less than trucklot quantities to a retailer at the premises of the retailer where sale is to be made to ultimate consumers, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price computed under paragraphs (a) and (b) of this section plus 60 cents per cwt. (in the case of potatoes) and 40 cents per 50 pounds (in the case of onions).

*Example:* A country shipper at Long Island, New York, sells Long Island potatoes (of the 1943 crop) in November, 1943, through a broker, delivered to the premises of a retailer located in New York City. The shipper turns to Article V, section 24, Table III, and finds that his maximum price f. o. b. country shipping point is \$2.60 per cwt. Under paragraph (b) (1) of section 9, he is permitted to add 5 cents per cwt. for selling through a broker and under paragraph (c) of this section 9, he is permitted to add 60 cents per cwt. for selling delivered to the premises of a retailer. In addition, he is permitted to add the transportation cost (15 cents per cwt.) from Long Island to New York City, and 6 cents per cwt. for selling on a delivered basis. Therefore, the maximum price for his delivered sale is \$3.46 per cwt. If the shipper sells on a delivered basis to an intermediate seller and performs the selling functions described in paragraph (b) (3) of section 9, his maximum delivered price is \$2.60 plus 15 cents (freight) plus 14 cents (see (b) (3) of section 9), which results in a maximum price for this sale of \$2.89.

[Example amended by Amendment 7, 8 F.R. 13338, effective 10-1-43 and corrected to conform with Table III]

[Paragraph (c) amended by Amendment 1 8 F.R. 7494, effective 6-3-43]

(d) Notwithstanding any other provision of this regulation, if a country shipper makes sales and delivers to ultimate consumers, his maximum price for such sales shall be his maximum price computed under paragraphs (a), (b) (1) and (b) (2) of section 9, plus \$1.00 per cwt. in the case of potatoes, or plus \$1.00 per 50 pounds in the case of onions.

(e) If a country shipper makes sales f. o. b. country shipping point to procurement agencies of the United States or any State and bears the in-transit risk to the place of delivery, he may add to his maximum price, f. o. b. country shipping point, 6¢ per cwt. for potatoes or 4¢ per 50 pounds for onions.

(f) If a country shipper makes sales through a commission merchant, the maximum price shall be the country shipper's maximum f. o. b. price, plus the increase for sales on a delivered basis provided by section 9 (b) (2), if appli-

cable, and plus the commission merchant's usual commission or fee but such commission or fee shall in no event exceed 60¢ per cwt. in the case of potatoes, or 40¢ per 50 pounds in the case of onions. No addition for the brokerage mentioned in section 9 (b) (1) is permitted.

[Paragraphs (d), (e), and (f) added by Amendment 2, 8 F.R. 8075, effective 6-12-43]

(g) If any person makes sales at terminal auction, the maximum price for such sales shall be the maximum price computed under section 9 (a) and 9 (b) (1) and (2) plus a commission to the seller not exceeding 15 cents per cwt. for potatoes, or 10 cents per 50 pounds for onions. All expenses of the sale, including charges of the auction market, shall be paid out of the commission, and the amount of the commission shall not be added to the intermediate seller's base price.

[Paragraph (2) added by Amendment 2; amended by Amendment 3, 8 F.R. 9160, effective 7-1-43]

(h) (1) Every country shipper making a sale to any person shall either furnish an invoice or other document of sale, or shall attach a tag or label to each sack or bag of potatoes or onions, on which shall be stated the state in which the potatoes or onions were grown, and the month and year of the sale.

[Paragraph (h) added by Amendment 3, 8 F.R. 9160, effective 7-1-43; text designated (1), and (2) added by Amendment 7, 8 F.R. 13338, effective 10-1-43]

(2) Every country shipper shipping potatoes or onions by freight car, truck, or other means of transport from one place to another shall post within such freight car, truck, or other means of transport, a manifest showing the place from which such potatoes or onions were shipped, the quantity, type and grade thereof, the selling price and the name and address of the owner, of the shipper, and of the person to whom shipped. A copy of this manifest shall be retained by the shipper in addition to the documents mentioned in section 22, and pursuant to that section.

SEC. 10. Maximum prices for carlot or trucklot distributors. If any person other than a country shipper (a) purchases potatoes or onions in carlots and resells such potatoes or onions in carlots in a terminal market or other wholesale receiving point or (b) purchases potatoes or onions in trucklots and resells such potatoes or onions in trucklots (without breaking the original trucklot) at a terminal market or other wholesale receiving point, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point plus the cost of transportation (as defined in section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point plus

14 cents per cwt. for potatoes.

9 cents per 50 pounds for onions.

*Provided*, That a carlot distributor who sells a carlot of potatoes or onions to two or more persons without breaking a carlot shall continue to be a carlot distributor and shall not thereby become entitled to any portion of the markups allowed by this regulation to intermediate sellers.

*Example*: Suppose you are a carlot distributor of potatoes located in Pittsburgh, Pennsylvania. In September, 1943, you purchase a carlot of Maine potatoes f. o. b. country shipping point. You turn to Article V, section 24, Table III, and find that the maximum price per cwt. for 1943 crop Maine potatoes in November, 1943, is \$2.25. To this you may add the cost of transportation to your customary receiving point and 14 cents per cwt. If the sale to you was made on a delivered basis, and the shipper has added 6 cents per cwt. pursuant to section 9 (b) (2) you may nevertheless add only 14 cents per cwt. to the maximum price f. o. b. country shipping point plus the cost of transportation. The resulting maximum price, regardless of the terms of the purchase, is \$2.25 plus transportation plus 14 cents.

[Example amended by Amendment 7, 8 F.R. 13338, effective 10-1-43 and corrected to conform with Table III]

[Sec. 10 amended by Amendment 3, 8. F.R. 9160, effective 7-1-43 and Amendment 4, 8 F.R. 9995, effective 7-16-43]

**SEC. 11. Maximum prices for intermediate sellers—(a) Base prices for intermediate sellers.** A seller's "base price" shall be the maximum price f. o. b. country shipping point per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) plus the cost of transportation (as defined in section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point, plus (but only if applicable and actually paid):

[Paragraph (a) as amended by Amendment 3, 8 F.R. 9160, effective 7-1-43]

#### (1) Potatoes:

5 cents per cwt. if the country shipper has sold through a broker or growers' sales agent.  
6 cents per cwt. if sold on a delivered basis.

14 cents per cwt. if the potatoes have been handled by a carlot or trucklot distributor or a country shipper performing the carlot or trucklot distribution function under section 9 (b) (3).

#### (2) Onions:

3 cents per 50 pounds if the country shipper has sold through a broker or growers' sales agent.

4 cents per 50 pounds if the country shipper has sold on a delivered basis.

9 cents per 50 pounds if the onions have been handled by a carlot or trucklot distributor or a country shipper performing the carlot or trucklot distribution function under section 9 (b) (3).

**NOTE:** No more than 14¢ per hundred-weight (in the case of potatoes) or 9¢ per 50 pounds (in the case of onions) shall be added to the f. o. b. shipping point price in arriving at the base price. (See *Example*, section 10.) In no event may an intermediate seller add a commission merchant's commission or an auction market's fee to his base price.

[Note amended by Amendment 2, 8 F.R. 8075, effective 6-12-43 and Amendment 7, 8 F.R. 13338, effective 10-1-43]

**(b) Notification.** Every sale of potatoes or onions by an intermediate sell-

er shall be accompanied by a notification in writing showing the base price for such sale, the variety and grade of potatoes or onions being sold, and the state or district within a state where the potatoes or onions were produced. See paragraph (a) of this section 11 for computation of the "base price."

[Paragraph (b) as amended by Amendment 4, 8 F.R. 9995, effective 7-16-43]

**(c) Maximum prices for intermediate sellers.** (1) On the effective date of this regulation and on Wednesday of each week thereafter, the seller shall calculate his maximum price for each variety and grade of potatoes and onions as follows:

(2) The seller shall determine the "largest single purchase" of each variety and grade of potatoes and onions made during the seven days prior to the day of calculation. "Largest single purchase" means the greatest quantity in pounds of the variety and grade of potatoes and onions being priced which was purchased in one lot, delivered by a customary supplier in a customary quantity by a customary mode of transportation to the seller's customary receiving point during the preceding seven days.

(3) The seller shall next determine his "base price" for his "largest single purchase" during the preceding seven days. If the seller made two or more purchases of the quantity which would be his "largest single purchase" he shall use as his "base price" the average of the "base prices" for such purchases.

(4) If during the preceding seven days the seller has made no purchases of the variety and grade of potatoes or onions being priced, he shall compute and use the "base price" of his most recent purchase from a customary supplier in a customary quantity delivered by a customary mode of transportation to his customary receiving point.

(5) The seller's maximum price shall be the "base price" plus 60 cents per cwt. (in the case of potatoes) and the "base price" plus 40 cents per 50 pounds (in the case of onions).

**Explanatory note:** It is the purpose of this regulation to permit any number of transactions between intermediate sellers, but not to permit the addition of successive markups. The maximum price of an intermediate seller cannot exceed his "base price" plus 60 cents per cwt. (in the case of potatoes) and 40 cents per 50 pounds (in the case of onions) regardless of the number and type of prior handlers, regardless of the intermediate seller's type of operation and regardless of the type of purchaser.

(6) If the intermediate seller is a hotel and restaurant supply house, the maximum price for sales except to intermediate sellers or retailers shall be the "base price" plus 70 cents per cwt. (in the case of potatoes), and 55 cents per 50 pounds (in the case of onions).

(7) The maximum dollar-and-cents markups provided herein for intermediate sellers include all items of cost involved in making local deliveries within a metropolitan area or city limits. Any intermediate seller delivering potatoes or onions to institutions or retail stores outside his free delivery zone may charge

different delivered prices in such other areas or zones in which deliveries are made as follows: (i) He first determines his delivered prices for each of these areas or zones by adding to the prices established by this regulation an amount not exceeding the average cost of delivery to the institution or retailers in the area or zone. (ii) In determining the average cost of delivery to the retailers in the area or zone no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation. (iii) If such a delivery charge is made, the amount of this delivery charge shall be included as part of the maximum price established by this regulation. Before using such a zone differential, the intermediate seller shall report it in writing to the nearest regional, state or district office of the Office of Price Administration having jurisdiction over the seller. If a particular class of intermediate sellers have normally operated on the basis of markups which are lower than the markups provided by this regulation, the regional office of the Office of Price Administration having jurisdiction over the seller or the sellers or such District Office as may be authorized by the appropriate Regional Office shall reduce the maximum prices for such intermediate sellers. However, in no case shall the maximum prices provided by this regulation be increased. (iv) All regional offices, and such district offices as they in turn may authorize, may approve or disapprove in whole or in part the zone differentials reported under (iii) above, and may, on the basis of such reported zone differentials, establish uniform zone differentials.

[Paragraph (7) as amended by Amendment 3, 8 F.R. 9160, effective 7-1-43 and Amendment 4, 8 F.R. 13338, effective 10-1-43]

(8) Any intermediate seller who shall have purchased potatoes or onions and stored them for more than 30 days may use the appropriate price set forth in section 24 under the month in which he sells the potatoes or onions instead of the month in which they were purchased from a country shipper, grower or other intermediate seller in computing his base price, but he may add nothing on account of storage charges.

[Paragraph (8) added by Amendment 4, 8 F.R. 9995, effective 7-16-43 and amended by Amendment 7, 8 F.R. 13338, effective 10-1-43]

(9) For sales by intermediate sellers to ultimate consumers the maximum price shall be the intermediate sellers' base price, as computed under this regulation, for the item being sold, plus \$1.00 per cwt. for potatoes or plus \$1.00 per 50 pounds for onions.

[Paragraph (9) added by Amendment 7, 8 F.R. 13338, effective 10-1-43]

**SEC. 12. Imported potatoes and onions—(a) Imported potatoes.** For each hundred pounds of potatoes, whether for use as tablestock or as seed, imported from any country, the maximum price per cwt. at any terminal market or any other wholesale receiving point shall

be the maximum delivered price for the most closely similar variety of domestic potatoes in the particular terminal market or other wholesale receiving point where such imported potatoes are being offered for sale.

(b) *Imported onions.* For all dry onions of any variety imported from any country for sale within the continental limits of the United States the point of entry shall be deemed the country shipping point and the maximum price per 50 pounds, f. o. b. such point of entry, shall be the same as the maximum price, f. o. b. country shipping point, for the most closely similar variety of domestic dry onions produced in the State or locality in which that point of entry is located.

[Paragraph (b) as amended by Amendment 6, 8 F.R. 11672, effective 8-20-43]

**SEC. 13. Prohibition against joint accounts and/or sharing of margins.** All joint account arrangements between persons covered by this regulation are hereby prohibited.

Except as provided in section 9 (c), no grower or country shipper may share in or receive any part of any brokerage, commission or other markup permitted, established or allowed by this regulation.

[Sec. 13 amended by Amendment 3, 8 F.R. 9160, effective 7-1-43 and Amendment 7, 8 F.R. 13338, effective 10-1-43]

### ARTICLE III—MAXIMUM PRICES FOR SEED POTATOES

[Secs. 14 through 16a revoked by Amendment 8, effective 11-19-43]

### ARTICLE IV—ENFORCEMENT PROVISIONS AND MISCELLANEOUS PROVISIONS

**SEC. 17. Enforcement.** Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

**SEC. 17a. Licensing.** The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 17a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose Defense is Vital to the Defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

**SEC. 18. Relationship between this regulation, the General Maximum Price Regulation,<sup>1</sup> and Temporary Maximum Price Regulation No. 22.<sup>2</sup>** (a) The provisions of this regulation supersede the provisions of Temporary Maximum Price Regulation No. 22. However, the following provisions of the General Maximum Price Regulation, as well as any amendments thereto, continue to be applicable to every grower, country shipper and intermediate seller of potatoes and onions:

- (1) Transfers of business or stock in trade (§ 1499.5).
- (2) Federal and State taxes (§ 1499.7).
- (3) Current records (§ 1499.12).
- (4) Sales slips and receipts (§ 1499.14).
- (5) Definitions (§ 1499.20).

The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall be and they are, applicable to all persons subject to this regulation selling at wholesale.

**SEC. 19. Evasion.** The price limitations which are set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to potatoes or onions alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

**SEC. 20. Petitions for amendment.** Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1<sup>3</sup> issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

**SEC. 21. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery;

<sup>1</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

<sup>2</sup> 7 F.R. 7914, 8023, 8197, 8358, 8595, 8948, 9315, 9817.

<sup>3</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action to be taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any officer of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

**SEC. 22. Records.** (a) Every person subject to this regulation shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, preserve for examination by the Office of Price Administration all his records, including invoices, sales tickets, cash receipts, or other written evidences of sale or delivery which relate to the prices charged pursuant to the provisions of this regulation.

(b) Every person subject to this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges for potatoes and onions after the effective date of this regulation and in addition as precisely as possible the basis upon which he determined maximum prices for these commodities.

(c) In addition to the above records, sellers shall keep all correspondence in connection with any sale of seed potatoes together with a copy of every invoice or other written evidence of purchase or sale and, on or before May 25, 1943, prepare, on the basis of all available information and records, and maintain for examination by any person during ordinary business hours a statement showing his maximum prices for every kind of certified seed potatoes which he sold during the period February 15, 1943, to March 1, 1943, and his customary allowances, discounts and other price differentials. Whenever such sellers offer any other kind of certified seed potatoes for sale, they shall add to such statement their maximum price for such certified seed potatoes.

**SEC. 23. Fractions of cents.** Any calculation of a maximum price per cwt. or other customary unit of sale which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than  $\frac{1}{2}$  cent and shall be increased to the nearest higher cent if the fraction is  $\frac{1}{2}$  cent or more.

## FEDERAL REGISTER, Tuesday, November 16, 1943

## ARTICLE V—PRICE SCHEDULES—SEC. 24. Potatoes and onions.

TABLE I—WHITE POTATOES (1942 LATE CROP)

[Maximum price per 100 pounds U. S. No. 1 grade and in bags.]

State	Producing area	Variety	April 1943	May 1943	June 1943	State	Producing area	Variety	April 1943	May 1943	June 1943
<b>NORTH ATLANTIC</b>											
Maine	All.	All.	\$2.30	\$2.40	\$2.40	Maryland	All.	All.	\$2.55	\$2.55	\$2.55
New Hampshire	All.	All.	2.60	2.50	2.40	North Carolina	All.	All.	2.40	2.40	2.40
Vermont	All.	All.	2.60	2.50	2.40	South Carolina	All.	All.	2.50	2.50	2.50
Massachusetts	All.	All.	2.60	2.50	2.40	Virginia	All.	All.	2.70	2.70	2.55
Rhode Island	All.	All.	2.60	2.50	2.40	West Virginia	All.	All.	2.70	2.70	2.70
Connecticut	All.	All.	2.60	2.50	2.40						
New York	Long Island	All.	2.45	2.45	2.45						
	Rest of State	All.	2.45	2.55	2.55						
New Jersey	All.	All.	2.65	2.65	2.75						
Pennsylvania	All.	All.	2.45	2.55	2.55						
<b>EAST NORTH CENTRAL</b>											
Ohio	All.	All.	2.60	2.60	2.65	Kentucky	All.	All.	2.40	2.40	2.40
Indiana	All.	All.	2.60	2.60	2.70	Tennessee	All.	All.	2.40	2.40	2.40
Illinois	All.	All.	2.60	2.60	2.80	Alabama	All.	All.	2.50	2.50	2.50
Michigan	All.	All.	2.35	2.45	2.45	Mississippi	All.	All.	2.50	2.50	2.50
Wisconsin	All.	Red skinned	2.40	2.50	2.50	Arkansas	All.	All.	2.40	2.40	2.40
		Round white	2.25	2.35	2.35	Louisiana	All.	All.	2.50	2.50	2.50
<b>WEST NORTH CENTRAL</b>											
Minnesota	Hollandale District	All.	2.35	2.45	2.45	Oklahoma	All.	All.	2.50	2.50	2.50
	Rest of State	All.	2.35	2.35	2.35	Texas	All.	All.	2.40	2.40	2.40
Iowa	Hollandale District	All.	2.05	2.15	2.15						
	Rest of State	All.	2.35	2.45	2.45						
Missouri	All.	All.	2.60	2.60	2.40						
North Dakota	All.	Red skinned	2.25	2.35	2.35						
South Dakota	All.	Round white	2.05	2.15	2.15						
Nebraska	All.	Red skinned	2.35	2.45	2.45						
Kansas	All.	Round white	2.15	2.25	2.25						
<b>SOUTH ATLANTIC</b>											
Delaware	All.	All.	2.60	2.65	2.65	Montana	All.	All.	2.35	2.40	2.50
Florida	All.	All.	2.50	2.50	2.50	Idaho	All.	All.	2.30	2.40	2.40
Georgia	All.	All.	2.50	2.50	2.50	Wyoming	Counties of Platt, Niobrara, Goshen, and Larimerie	All.	2.30	2.40	2.40

<sup>1</sup> The following differentials for certain grades, sizes, packages and types of pack shall be applicable to country shippers of white potatoes.

## (a) Grade differentials:

(1) For white potatoes, U. S. Extra No. 1 grade or better packed in bags, the country shipper may add 10¢ per cwt. to the maximum price for U. S. No. 1 grade.

(2) For white potatoes which grade below U. S. No. 1 grade, but which are 85% U. S. No. 1, U. S. Commercial, or better, packed in bags, the country shipper shall subtract 10¢ from the maximum prices for U. S. No. 1 grade.

(3) For white potatoes of grades lower than 85%, U. S. No. 1, U. S. Commercial or better, including ungraded and unclassified white potatoes packed in bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices for U. S. No. 1 grade.

(4) For size B white potatoes, the country shipper shall subtract 30¢ per cwt. from the maximum prices stated above.

## (b) Size differentials applicable to all grades:

(1) For white potatoes, 6-ounce minimum size, packed in bags, the country shipper may add 15¢ per cwt. to the maximum price for each grade.

(2) For white potatoes of 2-inch minimum size or U. S. size A or combination of both packed in bags, the country shipper may add 10¢ to the maximum price for each grade. Potatoes which are both 2-inch minimum and size A are entitled to only the 10¢ differential.

## (c) Packaging differentials applicable to all grades and sizes:

(1) For white potatoes packed in paper bags the country shipper may add 20¢ per cwt. for 10-lb. bags, 15¢ per cwt. for 15-lb. bags, and 10¢ per cwt. for 25-lb. bags to the maximum prices.

(2) For white potatoes, packed in cotton or mesh bags of 25 pounds, the country shipper may add 20¢ per cwt. to the maximum price for each grade and size.

(3) For white potatoes, packed in 15-pound bags of cotton or mesh, the country shipper may add 20¢ per cwt. to the maximum price for each grade and size.

(4) For white potatoes, packed in 10-pound bags of cotton or mesh, the country shipper may add 40¢ per cwt. to the maximum price for each grade and size.

(5) For white potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 20¢ from the maximum prices for each grade and size.

(d) Baking-type pack differentials applicable to maximum prices listed for U. S. No. 1 grade:

(1) For white potatoes, U. S. No. 1 grade or better, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, packed in bags, the country shipper may add 35¢ to the maximum prices for U. S. No. 1 grade.

(2) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed and/or brushed and specially packed in wooden boxes or cardboard cartons of approximately 60 pounds, the country shipper may add \$1.25 per cwt. to the maximum prices for U. S. No. 1 grade.

(3) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum hand selected and graded, washed and/or brushed and specially packed in 10 pound mesh bags, or in kraft bags containing 10 mesh bags, (each such mesh bag containing approximately 5 pounds), the country shipper may add \$1.25 per cwt. to the maximum prices for U. S. No. 1 grade.

(4) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed and/or brushed and specially packed in 50 pound kraft bags, the country shipper may add 60¢ per cwt. to the maximum price for U. S. No. 1 grade.

(e) Where prices are not listed for any state and month the price shown for June will be in effect as long as the supply lasts.

[Table amended by Amendment 3, 8 F.R. 9180, effective 7-1-43]

TABLE II—DRY ONIONS (1942 LATE CROP)

[Maximum prices per 50 lb. graded and in bags.]

States	April 1943, dollars per 50 lbs.	May 1943, dollars per 50 lbs.	June 1943, dollars per 50 lbs.	States	April 1943, dollars per 50 lbs.	May 1943, dollars per 50 lbs.	June 1943, dollars per 50 lbs.
Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island	\$2.05	\$2.15	\$2.15	Minnesota, North Dakota, South Dakota	\$1.90	\$2.00	\$2.00
New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia	2.10	2.20	2.20	Colorado, Wyoming, Utah, Nevada, New Mexico, Arizona	1.75	1.85	1.85
Ohio, West Virginia	2.05	2.15	2.15	Idaho, Montana, Washington	1.65	1.75	1.75
Indiana, Kentucky	2.00	2.10	2.10	Oregon	1.75	1.85	1.85
Michigan	1.95	2.05	2.05	California	1.80	1.90	1.90
Wisconsin	1.00	2.00	2.00	Other States: West of Mississippi River	1.95	2.05	2.05
Illinois, Iowa, Missouri, Nebraska, Kansas	1.95			East of Mississippi River	2.00	2.10	2.10

<sup>1</sup> These prices apply only to dry onions produced in the calendar year 1942 and are subject to the following differentials:

(a) For white onions, U. S. Grade No. 1, in 50-pound sacks, the country shipper may add 20¢ per 50 pounds to the maximum prices shown above.

(b) For dry onions, U. S. Grade No. 1, 3 inches and larger in 50-pound sacks, the country shipper may add 20¢ per 50 pounds to the maximum prices shown above.

(c) For dry onions, graded and packed in 10-pound sacks or less, the country shipper may add 15¢ per 50 pounds to the maximum prices shown above.

(d) For white boiler and pickler onions, graded and packed in 50-pound sacks, the country shipper may add \$1.00 per 50 pounds to the maximum price.

(e) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15¢ per 50 pounds from the maximum price shown above.

(f) For dry onions, ungraded and unsacked, the country shipper shall subtract 30¢ per 50 pounds from the maximum prices shown above.

(g) If the purchaser furnishes sacks, the country shipper shall subtract 15¢ per 50 pounds from the maximum price.

(h) For dry onions, graded and packed in mesh bags of 10 lbs. or less, the country shipper may add 25¢ per 50 lbs. to the maximum prices shown above.

(i) For dry onions, graded and packed in mesh bags of 25 lbs., the country shipper may add 10¢ per 50 lbs. to the maximum prices shown above.

(j) For Babosa type onions, the country shipper may add 20¢ per 50 pounds to the maximum prices stated above.



## FEDERAL REGISTER, Tuesday, November 16, 1943

This regulation shall become effective May 25th, 1943 (as to country shippers) and May 31st, 1943 (as to all intermediate sellers).

[Issued May 25, 1943]

[NOTE: Effective dates of amendments are shown following the parts affected.]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of November, 1943.

CHESTER BOWLES,  
Administrator.

Approved:

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18330; Filed, November 13, 1943;  
11:52 a. m.]

**PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS**

[RO 11.<sup>1</sup> Corr. to Amdt. 49]

**FUEL OIL**

In § 1394.5001 (a) (19) (iii) the name "Adah" is corrected to read "Ada," and the name "Payette" is corrected to read "Fayette."

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Directive No. 1-O, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18331; Filed, November 13, 1943;  
11:52 a. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 3.<sup>2</sup> Amdt. 102]

**SUGAR RATIONING REGULATIONS**

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Rationing Order No. 3 is amended in the following respect:

A new item is added to § 1407.241, Schedule A, Table IV, to read as follows:

TABLE IV—FROZEN FRUIT

Product	Unit (quantity of fruit) pounds	Quantity of sugar al- lowed in pounds per unit of fruit	
		Packed in containers of 30-lb. weight or greater	Packed in wrapped packages
Grapefruit.....	5	None	1
.....	.....	.....	.....

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 8480.

<sup>2</sup>8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8189, 8678, 8811, 9304, 9458, 10304, 10512, 10937, 11382, 11291, 11292, 11252, 12560, 12693, 13341, 13394, 13390.

This amendment shall become effective November 18, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18332; Filed, November 13, 1943;  
11:51 a. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 13.<sup>1</sup> Amdt. 86]

**PROCESSED FOODS**

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order 13 is amended in the following respects:

1. The unnumbered paragraph following section 3.6 (a) (3) is amended to read as follows:

A processor of dried prunes or raisins is permitted to use points he receives for sales or transfers of those fruits only to acquire dried prunes or raisins.

2. The word "person" is substituted for the words "wholesaler or retailer" in section 6.1 (c).

3. Section 14.6 (c) is amended to read as follows:

(c) If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed.

4. Section 21.1 (a) (10) (iii) is amended by inserting after the words "dry beans, peas, and lentils", the following words "(including dry precooked beans, peas, or lentils with or without added dry or dehydrated condiments, whether such added condiments are mixed with the dry beans, peas or lentils, or packaged with them in a separate envelope or packet)".

5. Section 21.1 (a) (20) (i) and section 24.1 (b) (1) are amended by inserting between the words "the first 'person' who acquires' dry beans, peas, or lentils" and the word "from", the words "in their raw dry state", and by inserting between the words "in the distribution of" and the words "dry beans", the word "such".

6. Section 24.1 (c) is amended to read as follows:

(c) Country shipper may not be grower, processor, wholesaler or retailer. A person who is a country shipper is not considered to be a "grower", "processor", "wholesaler", or "retailer" with respect to dry beans, peas, or lentils, nor may he include dry beans, peas, or lentils in the inventory or transfers of any of his processor, wholesale, or "retail establishments". (Any country shipper who is also a processor of other "processed

<sup>1</sup>8 F.R. 11048.

foods" is covered by Article III with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, and lentils. Similarly any country shipper who is also a wholesaler or retailer of other processed foods is covered by Article IV or Article V with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, and lentils.)

7. Section 24.1 (d) is revoked.

8. Section 24.6 (a) is amended to read as follows:

(a) A country shipper is permitted to use points he receives for sales or transfers of dry beans, peas, or lentils only to acquire dry beans, peas, or lentils.

9. Section 24.6 (c) is amended to read as follows:

(c) A country shipper who used some of those points to acquire dry beans, peas, or lentils must issue and send his check for the rest. He must enclose with his check a statement giving the name and address of each person from whom he acquired dry beans, peas, and lentils for points and their point value.

10. Appendix A is amended by adding in their alphabetical places the following:

Dry Garbanzo beans

Bean flour (ground or pulverized beans)  
Flaked or dehydrated prunes or raisins containing less than 6% of moisture by weight

This amendment shall become effective November 17, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719, E.O. 9280; 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18333; Filed, November 13, 1943;  
11:51 a. m.]

**PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS**

[MPR 491]

**PRESSURE PRESERVATIVE TREATMENT OF FOREST PRODUCTS AND PRESSURE TREATED FOREST PRODUCTS**

In the judgment of the Price Administrator, the maximum prices established by the regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected and were required by other Government agencies.

<sup>1</sup>1426.252 Maximum prices for pressure preservative treatment of forest products (services) and pressure treated

*forest products (commodities).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 491, Pressure Preservative Treatment of Forest Products (Services) and Pressure Treated Forest Products (Commodities), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1426.252, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

**MAXIMUM PRICE REGULATION 491—PRESSURE PRESERVATIVE TREATMENT OF FOREST PRODUCTS (SERVICES) AND PRESSURE TREATED FOREST PRODUCTS (COMMODITIES)**

**ARTICLE I—SCOPE OF THE REGULATION**

Sec.

- 1 Prices higher than ceiling prohibited.
- 2 Summary of the regulation.
- 3 What persons are covered.

**ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE**

- 4 Basic prices and cash discounts.
- 5 Sales of treated products where transportation is involved.
- 6 Averaging out.
- 7 Small quantity sales.
- 8 Grades, services or extras not listed.

**ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES**

- 9 What the invoice must contain.
- 10 What records must be kept.
- 11 Prohibited practices.
- 12 Adjustable pricing.

**ARTICLE IV—MISCELLANEOUS**

- 13 Petitions for adjustment or amendment.
- 14 Enforcement.
- 15 Licensing.
- 16 Grades.
- 17 Relation to other regulations and export sales.

**ARTICLE V—PRICE TABLES**

- 18 Maximum prices for pressure treatment and for pressure treated products; West Coast species.
- 19 Maximum prices for pressure treatment and for pressure treated products—All other species.
- 20 Notes and additions; treatment service only; all species.
- 21 General notes and additions; T. S. O. and treated products; all species.

**ARTICLE I—SCOPE OF THE REGULATION**

**SECTION 1. Prices higher than ceiling prohibited.** (a) On and after November 19, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any pressure treating service or any pressure treated material at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

**SEC. 2. Summary of the regulation.** This regulation covers sales of pressure-treating service and also establishes a formula, by which to arrive at maximum prices for the sale of pressure-treated products. Thus the coverage of the regulation falls into two divisions: (a) Sales of treatment service only where the forest products treated are not supplied

by the seller of the treatment, and (b) sales of treated forest products where both products and treatment are supplied by the seller except the sales through distribution yards covered by Maximum Price Regulations Nos. 215 and 467.

A distribution yard is a wholesale or retail lumber yard which gets lumber or fence posts from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a varied stock of lumber or fence posts from different regions; which gets its lumber or fence posts mostly by rail and sells mostly for truck shipments; which is equipped to make quick deliveries of many different items of lumber or fence posts; and which has been located at its particular site in order to be near a lumber or fence post consuming area.

Maximum prices are provided in both groups for treatment of "West Coast Species", as later defined, separately from all other species of cross ties, switch ties, lumber, piling, poles, posts, and mine materials. The maximum prices include allowances for all usual necessary handlings and additions are provided for extra services and workings.

The maximum prices provided for treatment service only are to be used by treating companies for sales of pressure preservative treatments of forest products not owned by the treating company. These prices include the loading of trams, pressure treatment in accordance with the American Wood Preservers' Association specifications and the unloading of trams after treatment. Specific additions are provided to cover the cost of the preservatives used in treatment.

The maximum price established by the various regulations for green lumber and unseasoned primary forest products is the basic component of the maximum price now established for the treated products. The maximum price of the treated product is the sum of the untreated unseasoned price (including additions permitted by the applicable regulation for the particular item) plus the component ceiling price provided in this regulation for pressure treatment, plus the cost of the preservative, plus additions for transportation and other services allowed by this regulation or approved under it.

The maximum price for the green (unseasoned) lumber or forest product is used as the basic component because the treating component is based on the treatment of unseasoned material. When seasoned material is treated, the price differential is provided by not permitting the additions for seasoning allowed by the several lumber and forest products regulations, rather than by requiring a deduction from the treating component.

**SEC. 3. What persons covered.** Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any

of their political subdivisions or any agency of any of the foregoing.

**ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE**

**SEC. 4. Basic prices and cash discounts.**

(a) The basic maximum prices for pressure treatment, either on a custom basis, or as a component in determining the maximum price for sale of the treated product, are shown in Article V—Price Tables.

(b) Sellers must maintain cash discounts and credit terms no less favorable to buyers than the cash discounts and credit terms they allowed during March 1942, except that a discount longer than 5 percent is not regarded as a cash discount under this rule.

**SEC. 5. Sales of treated products where transportation is involved.** (a) Three methods of selling where rail transportation is involved are recognized by this regulation:

(1) **F. o. b. loading-out point of untreated material,** with treatment in transit provided by the same seller, purchaser to assume all transportation charges—for example, where material moves on Government bill-of-lading both before and after treatment, there is no "transportation addition" as such, to be added, but the seller may charge the maximum price as provided herein for the sale of treated material.

(2) **F. o. b. treating plant.** In such sales the inbound transportation charge may be calculated by multiplying the estimated weight of the material by the local freight rate from the original loading-out point of the untreated material, or basing point where one is provided in the maximum price regulation controlling the untreated (white) material.

If the untreated material is received from several loading-out points, an "average" inbound freight rate may be used. This average freight rate is to be determined quarterly by the following formula:

(i) The total inbound freight charges on all receipts during the previous three months of the species of the commodity to be priced, divided by

(ii) The total weight of all receipts of the species of the commodity. This includes all units, of the item to be priced, received at the treating plant whether involving inbound freight charges or not, except items sold f. o. b. loading-out point.

(3) **Sales on delivered basis.** (i) Where treating-in-transit rates are available, the transportation addition must be figured on the through rate from the original loading-out point indicated on the freight bills surrendered in connection with the outbound shipment. To these freight charges may also be added the transit charge.

(ii) Where transit privileges do not apply, and the white material originates at more than one loading-out point (or more than one basing point is applicable) the addition for inbound transportation may be figured as an "average" charge computed according to subparagraph (2) (i) and (ii) above. If the white material originates at a single loading-out point (or basing point), the addition for in-

bound freight may not exceed the estimated weight of the white material times the actual inbound rate. The maximum addition for outbound freight is an amount equal to the estimated weight of the treated material times the actual outbound rate.

(b) *Common or contract carrier (other than rail).* Where transportation is by common or contract carrier other than rail the only rule is that actual cost of transportation may be added. However, the addition for inbound freight may be "averaged" in accordance with paragraphs (a) (2) and (3) above.

(c) *Private carrier.* (1) Where shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, and for each mile over 30 miles, two-tenths of a cent per 100 pounds may be added to the 30-mile charge. No addition is allowed for the return trip. In the case of poles and piling only, if the order and shipment are for less than a truckload, a minimum charge for 10,000 pounds may be made.

A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, or between metropolitan areas, the amount added for transportation may not be more than the published motor common carrier rate for such hauls times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery.

(2) When shipment is by transportation facility owned or controlled by the seller, other than private truck, the actual out-of-pocket cost of the transportation may be added.

(d) *Transportation additions established by other regulations.* Any methods for figuring delivered prices established by regulations concerning untreated material, except basing point provisions, will not apply to the sale of treated material.

(e) *Truck delivery after rail haul.* When truck delivery follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of unloading, handling and reloading involved in transfer from rail cars to trucks.

(f) *All truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in paragraphs (b) and (c) of this section.

**SEC. 6. Averaging out—(a) Different grades, classes, or sizes.** Different grades, classes or sizes may be sold and invoiced at an average price if all of the following conditions are observed:

(1) The footage of each item must be shown separately, and a piece tally must be furnished for each shipment.

(2) The average price for the product actually shipped must not be higher than it would have been if all the individual grades, classes, and sizes shipped had been sold separately at the individual ceiling price.

(3) If the order is shipped in more than a single carload, truckload, or boat shipment the following invoicing and charging practice must also be followed:

(i) The invoice must show that it is part of a larger order and identify the order. It must also show the individual ceiling prices for the various items actually contained in each shipment, and the average selling price agreed upon.

(ii) Upon completion of the order the seller must render a final invoice showing the quantity of each shipment or delivery, the freight charge for each if sold on a delivered basis, the amount received on account, the total amount due on the order at the agreed average prices, and a reconciliation of the total amount so computed with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation. Failure to make such final reconciliation invoice is as much a violation of this regulation as an outright over-ceiling price.

(b) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more loading-out points to one or more destinations on varying freight rates, the seller may average-out the transportation charges. For example, if a seller bids \$33.00 per pole on a single order of a thousand poles, the ceiling price being \$30.00 per pole and the estimated freight \$3.00, he can ship half of it on a rate resulting in a \$2.00 freight charge and half on a rate resulting in a \$4.00 freight charge.

(1) Where this practice is adopted, the seller must observe all of the following conditions:

(i) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(ii) Upon completion of the order the seller must render a final invoice showing the individual ceiling prices separately, the amount shipped from each loading-out point, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. In the event that the sale was made at an average price for different grades, classes or sizes as well as an averaging-out of transportation charges, the provisions of (a) above shall also be observed. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation. Failure to make such final reconciliation invoice is as much a violation of this regulation as an outright over-ceiling price.

**SEC. 7. Small quantity sales.** The following additions may be made to the

maximum prices shown in sections 18 and 19, on small orders:

(a) *For pressure treatment only.* (1) If the order specifies 167 cubic feet or more but less than 833 cubic feet, an addition of 4 cents per cubic foot may be made.

(2) If the order specifies less than 167 cubic feet, a flat addition of \$7.00 may be made regardless of the actual quantity involved.

(b) *For pressure treated products.* In sales by established treating plants of less than carload minimum weight as established by railroad tariffs and where the maximum prices for the treated poles or other round material (except fence posts) does not exceed \$250.00 on items 50' and shorter, or \$500.00 when 50% of the items are in lengths of 55' or longer, the seller may add a service charge of not more than 25% of the total invoice value, not including transportation but including the treating and processing additions provided. The inbound transportation addition on "less than carload" sales must not exceed that permitted in section 5 for transportation for carload shipments. The transportation charges beyond the treating plant must be paid by the buyer.

**SEC. 8. Grades, services or extras not listed.** (a) If a seller wishes to sell a pressure preservative treatment, or a pressure treated product or wishes to make an addition for special workings, specifications, services, or other extras for which prices or additions are not specifically provided, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

- (1) The requested price;
- (2) A description of the item or service to be priced;

(3) The price differential in effect between October 1, 1941, and June 1, 1942, from the seller's own records, between the item or service to be priced and the most comparable item or service priced in the price tables. If that is impossible, an estimated differential from the experience of the trade may be furnished. If no established price differential existed, a detailed analysis of the comparative values must be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. If the Office of Price Administration does not adjust or disapprove such request within 30 days after its receipt, the price shall be considered approved and thereafter shall be the maximum price for that seller for that operation or item. Adjustment or approval of such prices may be made by letter or telegram.

#### ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

**SEC. 9. What the invoice must contain.** (a) All invoices must contain a sufficiently complete description of the material treated and the pressure treatment service to show whether the price is proper or not. Any working, speci-

fication, or extra which affects the maximum prices must be mentioned in the description, but the amount added for these does not have to be shown separately, except in the case of framing of lumber where the charges for framing must be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must show the:

- (1) Point of origin of shipment, or point from which freight tonnage surrendered originated;
- (2) Destination;
- (3) Rail rate, including transit charge if applicable;
- (4) Location of treating plant.
- (c) *Delivery charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul must be shown separately on the invoice.

**SEC. 10. What records must be kept.** All sellers and all buyers who, in any one calendar month, sell or buy 2,000 cubic feet or more of pressure treatment service only or of pressure treated material must keep records which will contain a complete description of the treatment and material involved, the name and address of the other party to the transaction, the date of the sale, and the price. Such records must be retained for two years, for inspection by the Office of Price Administration.

**SEC. 11. Prohibited practices—(a) General.** Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in March 1942. This includes making greater charges for extension of credit.

(2) Refusing, without good reason, to ship except in specified or restricted random lengths, or under other circumstances which bring the seller an extra return.

(3) Wrongly or falsely grading or invoicing lumber or other forest products.

(4) Making additions for special specifications, services, or other extras which are not specifically permitted.

(5) Refusing to sell on an f. o. b. treating plant basis, and insisting on selling on a delivered basis or vice versa.

(6) Failing to invoice properly and in accordance with the requirements of this regulation.

(7) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(8) Making the buyer take something he does not want in order to get what he does want.

#### ARTICLE IV—MISCELLANEOUS

**SEC. 12. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**SEC. 13. Petitions for amendment or applications for adjustment—(a) Government contracts.** (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices contained in this regulation impede or threaten to impede the preservation of forest products covered by this regulation essential to the war program, may file an application in accordance with Procedural Regulation No. 6<sup>1</sup> issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration.

**SEC. 14. Enforcement.** (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for

treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to War Procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

**SEC. 15. Licensing.** The provisions of Licensing Order No. 1,<sup>3</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 16. Grades.** (a) All specifications as to pressure treatment methods and quality of preservative appearing in this regulation refer to, and have the meaning given in, the Manual of Recommended Practices of the American Wood-Preservers' Association or any applicable Federal Government specifications.

(b) The specifications as to grades and sizes of lumber, ties, or other products treated, shall be those established for the untreated product in the maximum price regulation covering that product.

**SEC. 17. Relation to other regulations and export sales.** This regulation supersedes any other maximum price regulation in establishing maximum charges for the service of preservatively treating forest products by pressure methods. It also supersedes the General Maximum Price Regulation in establishing maximum prices for the sale of forest products preservatively treated by pressure methods.

The several lumber and forest products price regulations are involved in this regulation to the extent that the maximum prices for the sale of treated products, herein provided, are prices arrived at by totaling component prices, of the "white" or untreated products, the maximum price for pressure treatment service, and the price of the preservative.

#### ARTICLE V—PRICE TABLES

**SEC. 18. Maximum prices for preservative treatment by pressure process and for pressure-treated products; West Coast species.** The maximum prices for preservative treatment (pressure process) of West Coast species consisting of Douglas Fir, West Coast Hemlock, all species of True Fir, Redwood, Sitka

<sup>1</sup>7 F.R. 5087, 5664; 8 F.R. 6173, 6174.

<sup>2</sup>7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

<sup>3</sup>8 F.R. 13240.

Spruce and Western Red Cedar shall be as follows:

(a) For sellers of pressure treatment service only, the maximum prices for unlimited retort time, including loading and unloading of trams, and incising of sawn products, if required, but not including preservative,<sup>4</sup> shall be:

	Per M ft. BM
(1) Cross ties	\$16.00
(2) Switch ties	18.00
(3) Lumber and other sawn material not specifically priced herein	20.50

(1) Deduction. If lumber or other sawn material was sufficiently seasoned before treatment so that it was impregnated to the final retention required in 14 hours or less, a deduction of \$5.00 per M'BM must be made from the above price when invoice is rendered.

(4) Piling and other round material longer than 14', except poles. Cubitures to be those provided in Table 1.

	Per cu. ft.
50' lengths and shorter	\$.30
Lengths over 50' to and including 75'	.35
Lengths over 75'	.40

(5) Poles. Cubitures to be those provided in Table 2.

\* (The preservative used may be charged for, as a separate transaction, in accordance with paragraph (b) (2) of this section.)

	Per cu. ft.		Per cu. ft.
50' lengths and shorter	\$.25	Lengths over 50' to and including 75'	.35
Lengths over 75'	.40		

(b) For sellers of pressure treated forest products, the maximum prices shall be the sum of the following: (1) The maximum price for the unseasoned and untreated forest product provided in the applicable price regulation, (2) the price of the preservative delivered to the seller's treating plant plus one-quarter cent ( $\frac{1}{4}$ ¢) per gallon in the case of creosote and mixtures thereof, or plus one and one half percent (1½%) of the delivered cost in the case of salts or other preservatives (figuring the quantity of preservative used on the net size of the material to be treated) and (3) treating charges, as provided below which include unlimited retort time, incising of sawn material, if required, and all handleings. For other allowable additions see sections 5, 7, and 21.

	Per M ft. BM		Per cu. ft.
(1) Cross ties	\$19.00	50' lengths and shorter	\$.40
(2) Switch ties	\$22.00	Lengths over 50' to and including 75'	.50
(3) Lumber and other sawn material not specifically priced herein	\$24.50	Lengths over 75'	.55

(5) Poles, including peeling, shaving, framing, if required, consisting of roofing and two gains, including boring of holes therein and figured on cubitures provided in Table 2.

Per cu. ft.

50' lengths and shorter	\$.35
Lengths over 50' to and including 75'	.40
Lengths over 75'	.45

(1) An addition of 12½% may be made for 70' and 75' poles and 25% for poles longer than 75' if shipped from unsold stock which has been stored for 30 days or more.

(6) Round material 14' and shorter, including unlimited retort time, \$0.28 per cu. ft.

(1) Cubitures of round material 14' and shorter shall be figured in accordance with those provided in Tables 3 and 7, or in accordance with the American Wood-Preservers' Association volume table allowing one inch over the minimum diameter specified by the buyer and figuring a taper of one inch in each ten feet of length.

(c) The established estimated weights in the applicable price regulation for the untreated material (rough green or surfaced green as the case may be) may be increased by 50 pounds per M'BM for each pound of creosote or creosote mixture treatment. For salt treatment 900 pounds per M'BM may be added to the rough or surfaced green weights.

TABLE 1.—PILING—DOUGLAS FIR AND OTHER WEST COAST SPECIES

[Volume in cubic feet and weight in pounds per lineal foot for 10 lb. final retention.]

Lengths	9" min. butt includes 8"-1" to 8"-6"	10" min. butt includes 9"-1" to 9"-6"	11" min. butt includes 10"-1" to 10"-6"	12" min. butt includes 11"-1" to 11"-6"	13" min. butt includes 12"-1" to 12"-6"	14" min. butt includes 13"-1" to 13"-6"	15" min. butt includes 14"-1" to 14"-6"	16" min. butt includes 15"-1" to 15"-6"	17" min. butt includes 16"-1" to 16"-6"	18" min. butt includes 17"-1" to 17"-6"		
	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.
15'-17'	23	.47	27	.57	33	.69	39	.82	47	.96	53	1.11
18'-22'	21	.44	26	.55	32	.66	38	.79	44	.92	51	1.07
23'-27'	20	.42	25	.52	30	.63	37	.76	43	.89	50	1.03
28'-32'	19	.40	24	.50	29	.61	35	.73	41	.86	48	1.00
33'-37'	18	.38	23	.47	28	.58	34	.70	39	.82	46	.96
38'-42'	17	.36	22	.45	26	.55	32	.67	38	.79	45	.93
43'-47'	16	.34	21	.43	25	.53	31	.64	37	.76	43	.90
48'-52'	15	.32	20	.41	24	.50	29	.61	35	.73	44	.86
53'-57'					28	.59	34	.70	40	.83	47	.97
58'-62'					27	.56	33	.68	38	.80	45	.94
63'-67'					26	.54	31	.65	37	.77	44	.91
68'-72'					25	.52	30	.62	36	.74	42	.88
73'-77'					24	.49	29	.60	35	.72	40	.84
78'-82'							33	.69	39	.82	46	.95
83'-87'							32	.66	38	.79	44	.92
88'-92'							31	.64	37	.76	43	.89
93'-97'							29	.61	35	.73	41	.86
98'-102'							28	.59	34	.71	40	.83
103'-107'									33	.68	38	.80
108'-112'									32	.66	37	.78
113'-117'										36	.75	.42
118'-122'										35	.73	.41
123'-127'											39	.82

(1) Where top diameter controls the size of the pile to be furnished, the butt diameter may be determined by adding to the diameter one inch for each ten feet of length. For example, if a 40' pile is ordered measuring not less than 12" at the butt with a minimum top of 10 inches, figuring a natural taper of one inch for each ten feet of length, the butt diameter would be 10" top plus 4" or 14" and the weight and cubitures are found under the heading 14" minimum butt.

(2) To arrive at the weight and cubitures for piling with a minimum diameter at a specified point more than 6 feet from the butt:

(a) Convert this specified diameter to a diameter 6 foot from the butt by adding 1" for each 10 feet or fraction thereof by which the distance from the butt to the specified point exceeds 6 feet.

(b) Select the weight and cubitures in the tables applicable to the diameter 6 feet from the butt determined in (a) above.

For example: (1) A pile measuring 12" 7 foot from the butt would be figured as follows:

Diameter 7' from butt.....  
7' exceeds 6' by 1' add for 1' (fraction of 10').....  
12"

The weight and cubitures are found under column headed 14" minimum butt, which includes weight and cubitures for 13" 6 foot from the butt.

(ii) A 70' pile measuring 12" one quarter of the length from the butt would be figured as follows:

Diameter 17½' from the butt (34 of 70').....  
17½' exceeds 6' by 11½' add for 10'.....  
Add for 1½' (fraction of 10').....

Diameter 6' from butt.....  
12"

The weight and cubitures are found under column headed 15" minimum butt, which includes weight and cubitures for 14" 6 foot from the butt.

(3) For retentions of preservative other than 10 pounds per cubic foot, add to subtract from the weights for 10 pounds retention one pound per cubic foot for each pound variation in the retention of preservative specified.

TABLE 2.—DOUGLAS FIR POLES

The weights in this table are based on treatment with a final retention of 8 lb. grade 1 creosote oil. For other retentions add to or subtract from the basic weights one pound per cubic foot for each one pound variation in the retention of preservative specified.

**SEC. 19.** Maximum prices for preservative treatment by pressure process and for the treated products of all species not specifically named in section 18. The maximum prices for preservative treatment (pressure process) of all species, not specifically named in section 18 shall be as follows:

(a) For sellers of pressure treatment service only, the maximum prices, including loading and unloading of trams, but not including preservative (see footnote 4) shall be:

(1) Cross ties requiring retort time of six hours or less, \$0.08 per cu. ft.

(1) For treatment requiring longer than six hours retort time, an addition may be made of three-quarter cents ( $\frac{3}{4}\%$ ) per cubic foot per hour or fraction thereof amounting to one-half or more, provided however that this addition plus the base maximum price shown above shall not exceed fourteen and one-half cents ( $14\frac{1}{2}\%$ ) per cubic foot.

(ii) Cubic feet per tie—A. R. E. A. Specifications.

Length	Size 5	4	3A	3	2	1	SR-7" thick	SR-4" thick
8'0"	8.7	8.4	8.1	2.8	2.7	2.6	8.1	2.7
8'6"	8.9	8.6	5.8	3.0	2.9	2.8	8.8	2.9

**NOTE:** Comparable cubitaires of other lengths shall be determined by adding or subtracting two-tenths (2/10) of a cubic foot for each six inch (6") variation of length.

(2) Switch ties requiring retort time of seven hours or less and cubitum figures figured on the net specified size 11 $\frac{1}{2}$  per cubic foot

(1) For treatment requiring longer than seven hours retort time, an addition may be made of three-quarter cents ( $\frac{3}{4}\text{¢}$ ) per cubic foot per hour or fraction thereof amounting to one-half hour or more. *Provided however,*

That this addition plus the base maximum price shown above shall not exceed seventeen cents (17¢) per cubic foot.

(3) Lumber and other sawn forest products not otherwise specifically priced herein, for unlimited retort time up to the time necessary for twenty pounds final retention of preservative per cubic foot, \$16.50 per M'BM.

(1) *Addition.* The following may be added for treatment to final retentions in excess of twenty pounds of preservative per cubic foot:

	<i>Per M'BM</i>
Over 20 pounds to and including 22 pounds per cubic foot.	\$5.00
Over 22 pounds to and including 24 pounds per cubic foot.	15.00
Over 24 pounds per cubic foot.	20.00

(ii) *Deduction.* If lumber or other sawn material was sufficiently seasoned before treatment so that it was impregnated to the final retention required in seven hours or less, a deduction of \$4.50 per MFBM must be made from the above prices when invoice is rendered.

(4) Piling and other round material longer than 14' except poles, for unlimited retort time up to the time necessary for twenty pound final retention of preservative per cubic foot figured on cubitres provided in Table 4:

	Per cu. ft.
50' lengths and shorter	\$.05
Lengths over 50' to and including 75'	.30
Lengths over 75'	.35

	Per cu. ft.
Over 20 pounds to and including 22 pounds per cubic foot	\$0.06
Over 22 pounds to and including 24 pounds per cubic foot	.18
Over 24 pounds per cubic foot	.24

(5) Poles including unlimited retort time and figured on cubitaires in Tables 5 and 6:

*Per cu. ft.*

(6) Round material, 14' and shorter, except fence posts, including unlimited retort time \$0.18 per cu. ft.

(1) Cubitaires shall be figured in accordance with those provided in Table 3 or Table 7. If cubitaires are not found in these tables they may be figured in accordance with the American Wood Preservers' Association volume table allowing one inch over the minimum diameter specified by the buyer and figuring a taper of one inch in each ten feet of length.

(7) Fence posts including unlimited retort time, figuring cubitum in accordance with Table 3, \$0.13 per cu. ft.

(b) For sellers of pressure treated forest products, other than fence posts (see paragraph (c)), the maximum prices shall be the sum of the following: (1) The maximum price for the unseasoned (green) and untreated (white) forest product provided in the applicable price regulation, (2) the price of the preservative delivered to the seller's treating plant plus one-quarter cent ( $\frac{1}{4}\%$ ) per gallon in the case of creosote and mixtures thereof, or plus one and one-half percent ( $1\frac{1}{2}\%$ ) of the delivered cost in the case of salts or other preservatives, and (3) treating charges as provided below which include the loading and unloading of trams and all handlings. For other allowable additions see sections 5, 7 and 21.

(1) Cross ties including unlimited retort time, \$0.165 per cu. ft.

(1) Cubitures shall be figured as follows:

CUBIC FEET PER TIE—A. R. E. A. SPECIFICATIONS

Length	Size 5	4	3A	3	2	1	SR— 7" thick	SR— 6" thick
8'0"	3.7	3.4	3.1	2.8	2.7	2.6	3.1	2.7
8'6"	3.9	3.6	3.3	3.0	2.9	2.8	3.3	2.9

NOTE: Comparable cubitages of other lengths shall be determined by adding or subtracting two tenths (2/10) cubic feet for each six inch (6") variation of length.

(2) Switch ties including unlimited retort time, \$18.00 per M'BM.

(3) Lumber and other sawn forest products not otherwise specifically priced herein, including unlimited retort time up to the time necessary to obtain twenty pounds final retention of preservative per cubic foot, \$20.50 per M'BM.

(1) The following may be added for treatment to final retentions in excess of twenty pounds of preservative per cubic foot:

Per MERM

Over 20 pounds to and including 22 pounds per cubic foot	\$5.00
Over 22 pounds to and including 24 pounds per cubic foot	15.00
Over 24 pounds per cubic foot	20.00

(4) Piling and other round material longer than 14', except poles, unlimited retort time up to the time necessary to obtain twenty pounds final retention of preservative per cubic foot figuring cubitum provided in Table 4:

*Per cu. ft.*

50' lengths and shorter..... \$0.30  
 Lengths over 50' to and including 75' .35  
 Lengths over 75'..... .40

(1) The following may be added for treatment to final retentions in excess of twenty pounds of preservative per cubic foot:

Per cap. it

Over 20 pounds to and including 22 pounds per cubic foot	\$0.06
Over 22 pounds to and including 24 pounds per cubic foot	.18
Over 24 pounds per cubic foot	.24

(5) Poles including unlimited retort time, peeling, shaving and framing consisting of roofing, two gains and boring of holes therein figured on cubitum provided in Tables 5 and 6;

TABLE 4.—PILING—SOUTHERN YELLOW PINE

[Volume in cubic feet and weight in pounds per lineal foot for 12 lb. final retention]

Lengths	9" min. butt includes 8"-1' to 8"-6'		10" min. butt includes 9"-1' to 9"-6'		11" min. butt includes 10"-1' to 10"-6"		12" min. butt includes 11"-1' to 11"-6"		13" min. butt includes 12"-1' to 12"-6"		14" min. butt includes 13"-1' to 13"-6"		15" min. butt includes 14"-1' to 14"-6"		16" min. butt includes 15"-1' to 15"-6"		17" min. butt includes 16"-1' to 16"-6"		18" min. butt includes 17"-1' to 17"-6"	
	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.	Wt.	Cu. ft.
15'-17' Incl.	.28	.47	.34	.57	.41	.69	.48	.82	.56	.95	.65	1.11	.75	1.27						
18'-22' Incl.	.26	.44	.32	.55	.39	.66	.47	.79	.54	.92	.64	1.08	.73	1.23						
23'-27' Incl.	.25	.42	.31	.52	.37	.63	.44	.75	.53	.89	.61	1.03	.70	1.19						
28"-32" Incl.	.24	.40	.30	.50	.36	.60	.42	.72	.51	.86	.59	1.00	.68	1.15	.77	1.31				
33"-37" Incl.	.22	.38	.28	.47	.34	.58	.41	.69	.48	.82	.57	.95	.65	1.11	.75	1.27	.85	1.44		
38"-42" Incl.	.21	.36	.27	.45	.32	.55	.40	.67	.47	.79	.55	.93	.64	1.08	.73	1.23	.83	1.40		
43"-47" Incl.	.20	.34	.25	.43	.31	.52	.38	.64	.45	.76	.53	.89	.61	1.04	.71	1.20	.80	1.36	.91	1.54
48"-52" Incl.	.19	.32	.24	.41	.30	.50	.36	.61	.43	.73	.51	.86	.60	1.01	.68	1.16	.78	1.32	.89	1.50
53"-57" Incl.							.35	.59	.41	.70	.49	.83	.57	.97	.66	1.12	.76	1.28	.86	1.45
58"-62" Incl.							.33	.56	.40	.68	.47	.80	.55	.94	.64	1.08	.73	1.24	.83	1.41
63"-67" Incl.							.32	.54	.38	.65	.45	.77	.54	.91	.62	1.05	.71	1.21	.81	1.37
68"-72" Incl.							.31	.52	.37	.62	.44	.74	.52	.88	.60	1.02	.69	1.17	.78	1.33
73"-77" Incl.							.29	.49	.35	.60	.42	.72	.50	.84	.68	.98	.67	1.13	.76	1.28

TABLE 3.—FENCE POSTS—Continued

Size	Cubic feet	Weight	Price
4" Top, round—Con.			
12'	1.44	63	\$0.57
14'	1.68	74	.67
4½" Top, round:			
6'	.75	33	.30
6' 6"	.81	36	.32
7'	.87	39	.33
8'	1.12	50	.45
10'	1.40	63	.56
12'	1.70	77	.68
14'	2.00	88	.80
5" Top, round:			
6'	1.04	47	.41
6' 6"	1.13	51	.45
7'	1.21	54	.48
8'	1.38	62	.55
10'	1.93	83	.77
12'	2.36	99	.94
14'	2.55	115	1.02
6" Top, round:			
6'	1.44	65	.57
6' 6"	1.55	70	.62
7'	1.67	75	.67
8'	1.99	90	.79
10'	2.50	113	1.00
12'	3.00	135	1.20
14'	3.50	160	1.40
7" Top, round:			
8'	2.64	119	1.05
9'	2.95	133	1.20
10'	3.35	151	1.35
8" Top, round:			
8'	3.35	151	1.35
9'	3.75	169	1.50
10'	4.20	189	1.70
4" Top, Half-round:			
6'	.33	16	.13
6' 6"	.35	17	.14
7'	.38	19	.15
8'	.44	21	.17
4½" Top, Half-round:			
6'	.41	18	.16
6' 6"	.44	19	.17
7'	.48	21	.19
8'	.55	24	.22
5" Top, Half-round:			
6'	.49	22	.19
6' 6"	.53	23	.21
7'	.57	25	.23
8'	.66	29	.26
5½" Top, Half-round:			
6'	.59	24	.23
6' 6"	.64	26	.25
7'	.69	27	.27
8'	.78	32	.31
6" Top, Half-round:			
6'	.75	33	.30
6' 6"	.81	35	.32
7'	.88	38	.35
8'	1.00	45	.40
7" Top, Quartered:			
6' 6"	.53	24	.21
7'	.58	26	.23
8" Top, Quartered:			
6' 6"	.73	33	.29
7'	.82	37	.33

1. These prices include a wholesaler's discount.  
Prices for retailers are found in Maximum Price Regulation 215.

(1) Where top diameter controls the size of the pile to be furnished, the butt diameter may be determined by adding to the diameter one inch for each ten feet of length. For example, if a 40' pile is ordered measuring not less than 12" at the butt with a minimum top of 10 inches, figuring a natural taper of one inch for each ten feet of length, the butt diameter would be 10" top plus 4" or 14" and the weight and cubiters are found under the heading 14" minimum butt.

(2) To arrive at the weight and cubitures for piling with a minimum diameter at a specified point more than 6 feet from the butt:

(a) Convert this specified diameter to a diameter 6 feet from the butt by adding 1" for each 10 feet or fraction thereof by which the distance from the butt to the specified point exceeds 6 feet.

(b) Select the weight and cubitures in the tables applicable to the diameter 6 feet from the butt determined in (a) above. For example: (i) A pile measuring 12" 7 feet from the butt would be figured as follows:

Diameter 7' from butt..... 12"  
7' exceeds 6' by 1' add for 1' (fraction of 10')..... 1"

Diameter 6' from butt..... 13"

The weight and cubitures are found under column headed 14" minimum butt, which includes weight and cubitures for 13" 6 feet from the butt.

(ii) A 70' pile measuring 12" one quarter of the length from the butt would be figured as follows:

Diameter 17½' from the butt (14 of 70')	12"
17½' exceeds 6' by 11½', add for 10'	1"
Add for 1½' (fraction of 10')	1"

Diameter 6' from butt..... 14"

The weight and cubitures are found under column headed 15" minimum butt, which includes weight and cubitures for 14" 6 feet from the butt.

(3) For retentions of preservative other than 12 pounds per cubic foot, add to or subtract from the weights for 12 pounds retention one pound per cubic foot for each pound variation in the retention of preservative specified.

TABLE 5.—SOUTHERN YELLOW PINE POLES  
(Cubic feet and weights per pole American Standard Association specifications)

Lengths	1	2	3	4	5	6	7	8	9	10
16'					4.25	3.67	3.00	3.42	2.50	2.00
	(Cu. ft.)					234	202	165	188	110
	Weight					5.92	5.00	4.25	3.42	2.75
18'						326	275	224	3.83	2.42
	(Cu. ft.)					7.17	6.00	5.17	4.25	3.22
	Weight					394	350	284	234	151
20'						467	398	339	307	188
	(Cu. ft.)					10.17	8.42	7.25	6.17	4.25
	Weight					674	559	463	398	3.42
22'						12.25	10.42	8.92	7.67	5.25
	(Cu. ft.)					10.17	8.42	7.25	6.17	4.25
	Weight					674	559	463	398	3.42
25'						14.75	12.25	10.42	8.92	7.08
	(Cu. ft.)					16.75	14.25	12.00	10.00	5.25
	Weight					734	660	550	454	2.25
30'						19.67	16.75	14.25	12.00	11.75
	(Cu. ft.)					21.00	18.25	15.67	13.50	12.67
	Weight					821	734	660	550	454
35'						24.42	21.00	18.25	15.67	13.50
	(Cu. ft.)					22.00	19.67	16.75	14.25	12.00
	Weight					862	742	660	550	454
40'						29.50	25.50	22.17	19.25	16.75
	(Cu. ft.)					30.50	27.75	24.00	21.00	18.25
	Weight					1,403	1,219	1,059	921	807
45'						34.75	30.25	26.25	23.17	20.25
	(Cu. ft.)					30.25	27.75	24.00	21.00	18.25
	Weight					1,911	1,664	1,444	1,274	1,114
50'						40.25	35.00	30.67	27.17	24.17
	(Cu. ft.)					35.00	30.67	27.17	24.17	21.25
	Weight					734	660	550	454	371
55'						46.67	40.00	35.17	31.25	28.42
	(Cu. ft.)					40.00	35.17	31.25	28.42	25.50
	Weight					2,567	2,200	1,934	1,718	1,563
60'						62.75	53.60	45.67	39.75	35.50
	(Cu. ft.)					53.60	45.67	40.67	35.50	32.75
	Weight					3,210	2,740	2,385	2,130	1,965
65'						60.75	51.17	44.67	40.67	35.50
	(Cu. ft.)					51.17	44.67	40.67	35.50	32.75
	Weight					675	57.17	49.67	45.25	40.67
70'						77.00	63.75	54.92	49.67	45.25
	(Cu. ft.)					63.75	54.92	49.67	45.25	40.67
	Weight					4,620	3,825	3,295	2,980	2,715
75'						86.17	70.67	60.25	50.00	45.00
	(Cu. ft.)					70.67	60.25	50.00	45.00	40.67
	Weight					5,170	4,240	3,615	3,295	300
80'						106.67	96.17	86.17	70.67	60.25
	(Cu. ft.)					96.17	86.17	70.67	60.25	50.00
	Weight					120.00	95.75	78.17	60.25	50.00
85'						7,200	5,745	4,690	3,615	3,295
	(Cu. ft.)					106.75	80.00	65.00	50.00	40.67
90'						135.67	106.75	80.00	65.00	50.00
	Weight					8,140	6,405	5,160	4,000	3,295

The weights in this table are based on treatment with a final retention of 8 lb. Grade 1 Creosote Oil. For other retentions add to or subtract from the basic weights one pound per cubic foot for each one pound variation in the retention of preservative specified.

TABLE 6.—LODGEPOLE PINE POLES  
(Cubic feet and weights per pole American Standard Association specifications)

Lengths	1	2	3	4	5	6	7	8	9	10
10'						4.42	3.82	3.12	3.56	2.60
	(Cu. ft.)					175	150	125	140	105
	Weight					5.20	4.42	3.56	3.98	2.86
15'						245	210	175	160	115
	(Cu. ft.)					7.84	6.24	5.38	4.42	3.04
	Weight					305	250	215	195	150
20'						355	300	255	230	175
	(Cu. ft.)					10.58	8.76	7.54	6.42	5.38
	Weight					510	425	350	300	255
22'						625	510	425	350	255
	(Cu. ft.)					12.74	10.58	8.76	7.54	6.42
	Weight					750	615	510	425	350
25'						18.72	15.34	12.74	10.58	8.76
	(Cu. ft.)					20.45	17.42	14.82	12.48	10.40
	Weight					820	695	590	500	415
30'						965	820	695	590	415
	(Cu. ft.)					21.84	18.98	16.30	14.04	12.22
	Weight					1,015	875	760	650	490
35'						35.62	26.52	23.06	20.02	17.42
	(Cu. ft.)					30.68	26.52	23.06	20.02	17.42
	Weight					1,225	1,060	920	800	695
40'						42.03	36.14	31.46	27.30	24.19
	(Cu. ft.)					36.14	31.46	27.30	24.19	21.06
	Weight					1,680	1,445	1,260	1,090	965
45'						48.88	41.86	36.40	31.90	28.25
	(Cu. ft.)					41.86	36.40	31.90	28.25	25.13
	Weight					1,675	1,455	1,275	1,130	1,005
50'						56.60	48.54	41.60	36.58	32.50
	(Cu. ft.)					48.54	41.60	36.58	32.50	29.56
	Weight					2,265	1,940	1,665	1,465	1,300
55'						65.25	55.64	47.50	41.35	36.92
	(Cu. ft.)					55.64	47.50	41.35	36.92	34.06
	Weight					2,610	2,225	1,900	1,655	1,475
60'										

The weights in this table are based on treatment with a final retention of 8 lb. Grade 1 Creosote Oil. For other retentions add to or subtract from the basic weights one pound per cubic foot for each one pound variation in the retention of preservative specified.

TABLE 7.—YELLOW PINE RE-INFORCING STUBS AND ANCHOR LOGS 14' AND SHORTER

[Cubic volume and weights per lineal foot]

Minimum diameter Small end	Estimated weight	Cubic volume
5"	12	.20
6"	15	.27
7"	22	.40
8"	30	.50
9"	35	.62
10"	39	.67
11"	47	.85
12"	55	.99
13"	63	1.15
14"	72	1.31
15"	82	1.49
16"	92	1.67

The weights in this table are based on treatment with a final retention of 8 pounds of Grade 1 Creosote Oil per cubic foot. For other retentions add to or subtract from the basic weights one pound per cubic foot for each one pound variation in the retention of preservative specified.

TABLE 8.—CROSS TIE AND SWITCH TIE WEIGHTS

[A. R. E. A. Specifications]

Weights per cubic foot

Species	Cross ties	Switch ties
	Pounds	Pounds
Groups UA and TA	65	70
Groups TB	52	57
Groups TC and TD	60	65

TABLE 9—LUMBER WEIGHTS

Treated lumber estimated weights to be the green rough weights contained in the applicable price regulations.

The estimated green rough weights will be used for lumber treated with a final retention up to and including eight pounds of Grade One Creosote Oil per cubic foot. For heavier retentions, add to the basic weights  $8\frac{1}{3}$  pounds per M'BM for each one pound increase in the specified retention of preservative. For salt treatments add one thousand pounds per M'BM, except when kiln dried after treatment, in which case an addition may be made at two hundred fifty pounds per M'BM.

SEC. 20. Notes and additions; treatment service only; all species. Notes applicable to treatment service only—paragraph (a) of section 18 and paragraph (a) of section 19 and to all tables thereunder.

## EXTRA HANDLING

Additional charges may be made for each extra handling except as otherwise provided.

1. Cross ties:	Per tie
Car to yard	\$0.05
Tram to yard	.03
For loading treated cross ties in box cars from trams	.02

2. Switch ties:	Per M'BM
For loading treated switch ties in box cars from trams or from plant yard	1.00

3. Lumber and other sawn material:	Per lin. ft.
For loading treated switch ties in box cars from trams or from plant yard	1.00

4. Piling and round material priced as piling	\$0.02
5. Poles:	
30' and shorter	.01

For each foot over 30' to and including 50'	.02
For each foot over 50'	.03

## 6. Posts and round mine material:

4 1/2" top diameter and smaller	Per piece
Car to yard	\$0.02
Tram to yard	.01

## 5" top diameter and larger:

Car to yard	.05
Tram to yard	.03

## SEC. 21. General notes and additions; T. S. O. and treated products; all species.

General notes applicable to sections 18 and 19 and all tables therein.

## 1. Adzing and boring cross ties

\$0.075

## 2. Application of anti-splitting irons

\$0.01

## 3. Branding and marking.

Except for manufacturer's brand and markings showing class and length of pole and date (per brand or marking operation) .075

## 4. Staking and wiring gondola or flat cars:

Per car for individual loads 7.50

Per car for multiple loads 10.00

## WORKING CHARGES

5. Framing of poles including roofing and, if required, two gains and boring of holes therein:

Per pole All poles regardless of class or top dimension under 40' in length \$0.15

For 40' length Class 6 or top dimension equivalent and smaller .15

For 40' length Class 5 or top dimension equivalent and larger .30

For all poles longer than 40', regardless of class or top dimension .30

Per gain For each additional gain and boring of hole therein .06

Per hole For boring of each additional hole .02

6. Continuous slab gain shall be considered as multiple gains and may be priced accordingly on basis of six cents for each twelve inches of slab gained surface including the boring of hole therein.

7. Machine and/or hand peeling of poles. The following addition per pole for peeling, including cutting to length if required, may be made except as otherwise restricted in sections 18 and 19.

Lengths	Classes									
	1	2	3	4	5	6	7	8	9	10
16'						\$0.26	\$0.24	\$0.21	\$0.21	\$0.18
18'						.29	.27	.24	.24	.21
20'	\$0.42	\$0.39	.38	.35	.32	.30	.27	.30	.27	.23
22'	.47	.44	.42	.38	.35	.33	.30	.33	.30	.26
25'	.57	.54	.50	.48	.42	.39	.36	.39	.35	.29
30'	.72	.68	.62	.57	.54	.50	.45	.48	.42	
35'	.89	.83	.77	.71	.65	.60	.54	.59		
40'	1.05	.98	.92	.83	.77	.68	.65			
45'	1.22	1.14	1.05	.98	.89	.81	.75			
50'	1.38	1.29	1.19	1.11	1.01	.96	.90			
55'	1.55	1.44	1.34	1.25	1.13	1.04				
60'	1.74	1.61	1.49	1.37	1.26	1.17				
65'	1.92	1.77	1.64	1.50	1.37					
70'	2.10	1.94	1.80	1.64	1.50					
75'	2.28	2.10	1.94	1.79						

8. In computing cubitaires for treatment service only on round material, take actual butt and top measurements to the closest one-half inch ( $\frac{1}{2}$ ") and apply American Wood Preservers Association factors.

9. Inspection Service. On shipments where the buyer requests special inspection service, furnished by an independent inspection agency, an addition may be made to cover the actual cost of such service. This charge shall be shown separately on the invoice.

10. For framing and fabricating sawn material the seller may use the highest price he charged for the same or similar operation during the year 1942. If he did not perform the same or similar operation during this period, he may apply to the Lumber Branch of the Office of Price Administration, Washington, D. C. for a price submitting the following information.

(1) The requested price.

(2) A description of the operation to be priced.

(3) The estimated machine hours required to complete the operation and the average rate per hour.

(4) The quantity of material on which the working charge is to apply.

The requested price may be quoted and invoiced upon submission of application. If within 30 days after receipt of the request, the Office of Price Administration does not adjust or disapprove such request, the price shall be considered approved and shall thereafter be the maximum price for that seller for that framing or fabricating operation. Adjustment or approval of such prices may be made by letter or telegram.

## WORKING CHARGES

5. Framing of poles including roofing and, if required, two gains and boring of holes therein:

Per pole All poles regardless of class or top dimension under 40' in length \$0.15

For 40' length Class 6 or top dimension equivalent and smaller .15

For 40' length Class 5 or top dimension equivalent and larger .30

For all poles longer than 40', regardless of class or top dimension .30

Per gain For each additional gain and boring of hole therein .06

Per hole For boring of each additional hole .02

6. Continuous slab gain shall be considered as multiple gains and may be priced accordingly on basis of six cents for each twelve inches of slab gained surface including the boring of hole therein.

7. Machine and/or hand peeling of poles. The following addition per pole for peeling, including cutting to length if required, may be made except as otherwise restricted in sections 18 and 19.

## PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 492]

## CERTIFIED AND WAR APPROVED SEED POTATOES

Maximum Price Regulation 492 is a revision and extension as to certain seed potatoes of former Article III of Revised Maximum Price Regulation No. 271, section 39 (b) of Maximum Price Regulation No. 422 and section 28 (b) of Maximum Price Regulation No. 423.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade

or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E. O. 9250 and 9328.

The statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

**§ 1439.357 Maximum prices for certified and war approved seed potatoes.** Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and with the concurrence of the War Food Administrator, Maximum Price Regulation No. 492—Certified and War Approved Seed Potatoes—which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.357 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

#### MAXIMUM PRICE REGULATION 492—CERTIFIED AND WAR APPROVED SEED POTATOES

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**SECTION 1. Prohibition against sales above the maximum price.** While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale or deliver any certified or war approved seed potatoes subject to this regulation at prices higher than the maximum prices specified in this Maximum Price Regulation No. 492, and no person in the course of trade shall buy, solicit, or receive any such certified or war approved seed potatoes at a price higher than the maximum prices specified in this Maximum Price Regulation No. 492, and no person shall agree, solicit or attempt to do any of the foregoing.

**SEC. 2. Less than maximum prices.** Lower prices than those provided for in this Maximum Price Regulation No. 492 may be charged, demanded, paid or offered.

\*Copies may be obtained from the Office of Price Administration.

**SEC. 3. Applicability.** (a) This regulation shall apply to all sales, whether for immediate or future delivery, within the 48 States and the District of Columbia of the United States of domestic and imported certified and war approved seed potatoes as hereinafter defined.

(b) Foundation stock seed potatoes shall be exempt from this regulation and from price control.

(c) All other white flesh potatoes shall be and remain subject to Revised Maximum Price Regulation No. 271, as amended and Maximum Price Regulations Nos. 422 and 423, as amended.

**SEC. 4. Definitions.** As used in this regulation the following terms shall have the following meanings:

"Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and the United States or any other government or any political subdivision or agency of any of the foregoing.

"Official certifying agency" is the officer or agency of any state or foreign government administering laws and regulations relative to the growing, inspection and certifying of seed potatoes.

"Certified seed potatoes" are seed potatoes grown, inspected and certified to be of such class pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown.

"Foundation stock seed potatoes" are seed potatoes grown, inspected and certified to be of such class pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown.

"War approved seed potatoes" are seed potatoes grown, inspected, approved, and tagged or labelled as being of such class pursuant to the laws and regulations governing the official certifying agency of the state where grown; *Provided*, That the standards therefor as established by each state have been filed with and approved by the United States Department of Agriculture as meeting minimum federal requirements for such class.

"Carlot distributor" is a person who ships certified or war approved seed potatoes in lots of 20,000 pounds or more to a place other than the place where such potatoes were graded, inspected and tagged and there sells such lot to any person other than a retailer or planter without warehousing or breaking into smaller quantities.

"Wholesaler" is a person who sells certified or war approved seed potatoes to retailers in any quantity or to planters in quantities of 1,000 pounds or more.

"Retailer" is a person who sells certified or war approved seed potatoes to planters in quantities of less than 1,000 pounds.

"Transportation charges" are to be computed at:

The lowest common carrier rate (including the 3 per cent tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question, or if there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not

exceeding any maximum price established therefor, plus the reasonable value (not exceeding any maximum price established for the service) of pre-cooling, icing or other protective measures ordered by the shipper.

**SEC. 5. Maximum prices of any person other than a carlot distributor, wholesaler or retailer.** The maximum price for the sale or delivery of certified and war approved seed potatoes, per 100 pounds by any person other than a carlot distributor, wholesaler or retailer shall be the maximum price as set forth in Appendix A hereof, plus transportation charges from farm where grown (or, if imported, from port of entry) to buyer's receiving point by a usual route and method of transportation.

**SEC. 6. Maximum prices for carlot distributors.** The maximum price for the sale of certified or war approved seed potatoes by a carlot distributor shall be \$0.20 per 100 pounds over the maximum price he could lawfully have paid for the lot in question under section 5 hereof, delivered at his receiving point plus transportation charges actually incurred by him from his receiving point to his buyer's receiving point by a usual route and method of transportation.

**SEC. 7. Maximum prices for wholesalers.** The maximum price for the sale of certified or war approved seed potatoes by a wholesaler shall be \$0.74 per 100 pounds over the maximum price he could lawfully have paid for the lot in question under section 5 hereof, delivered at his receiving point plus transportation charges actually incurred by him from his receiving point to his buyer's receiving point by a usual route and method of transportation.

**SEC. 8. Maximum prices for retailers.** The maximum price for the sale of certified or war approved seed potatoes by a retailer shall be one of the following mark-ups:

(a) \$1.25 per 100 pounds for sales in lots of 100 up to 1000 pounds; and

(b) \$0.02 $\frac{1}{4}$  per pound for sales in lots of less than 100 pounds.

Over the maximum price he could lawfully have paid for the lot in question under section 5 hereof, delivered at his receiving point plus transportation charges actually incurred by him from his receiving point to his buyer's receiving point by a usual route and method of transportation.

**SEC. 9. Decreases for sales in bulk or buyer's sacks.** Whenever any certified or war approved seed potatoes are sold in bulk or buyer's sacks, the foregoing maximum prices shall be decreased by the reasonable value (not exceeding any maximum price thereon) of new 100 pound sacks of a type customarily used to bag such seed potatoes if sold in bulk, or of the sacks actually furnished by the buyer if he furnished the sacks.

**SEC. 10. Sales between persons of the same class.** Notwithstanding any other provision of this regulation, sales between persons belonging to one of the classes hereinbefore specifically provided for shall be permissible: *Provided*, That no such sale, nor any sale to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

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**SEC. 11. Export sales.** The maximum price for export sales of certified or war approved seed potatoes shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.<sup>1</sup>

**SEC. 12. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

**SEC. 13. Evasion.** The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any, alone or in conjunction with any other commodity, or by way of commission, service, additional transportation, or other charge, discount, premium or other privilege, or by tying-agreement, or other trade understanding, misgrading or otherwise.

**SEC. 14. Petitions for amendment.** Persons seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1.<sup>2</sup>

**SEC. 15. Enforcement.** Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

**SEC. 16. Records and reports.** (a) Except in the case of sales and deliveries by producers and retailers of certified or war approved seed potatoes for which maximum prices are established by this regulation, every person making a purchase or sale of any such seed potatoes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, the quantity sold and the price paid.

(b) Every person shipping certified or war approved seed potatoes by freight car, truck, or other means of transport from the point where such seed potatoes are graded, inspected and tagged to another point shall post within such freight car, truck, or other means of transport, a manifest showing the point from which such seed potatoes were shipped, the quantity sold, the selling price or a statement that the selling price does not exceed the maximum price which is \_\_\_\_ per 100 pounds, and the name and address of the owner of the shipper, and of the person to whom

shipped, and the date of shipment. A copy of this manifest shall be retained by the shipper.

**SEC. 17. Licensing.** The provisions of Licensing Order No. 1,<sup>3</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not during the period of suspension, make any sale for which his license has been suspended.

**SEC. 18. Appendix A—(a) Certified seed potatoes.**

Place where produced	Maximum price per 100 pounds by month of sale									
	1943			1944						
	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
North Atlantic:										
Maine, all.....	\$3.15	\$3.25	\$3.35	\$3.40	\$3.45	\$3.55	\$3.65	\$3.75	\$3.75	
New Hampshire, all.....	3.60	3.70	3.80	3.85	3.90	3.00	4.10	4.20	4.20	
Vermont, all.....	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20	
Massachusetts, all.....	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20	
Rhode Island, all.....	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20	
Connecticut, all.....	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20	
New York:										
Long Island.....	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10	
Rest of State.....	3.40	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00	
New Jersey, all.....	3.60	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10	
Pennsylvania, all.....	3.45	3.50	3.65	3.70	3.75	3.85	3.95	4.05	4.05	
East North Central:										
Ohio, all.....	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05	
Indiana, all.....	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05	
Illinois, all.....	3.45	4.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05	
Michigan, all.....	3.35	3.45	3.55	3.60	3.65	3.75	3.85	3.95	3.95	
Wisconsin, all.....	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80	
West North Central:										
Minnesota:										
Red River Valley.....	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65	
Rest of State.....	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80	
Iowa:										
Hollandale District.....	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80	
Rest of State.....	3.40	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00	
Missouri, all.....	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80	
North Dakota:										
Bowman, Golden Valley, Billings, Mc-Kenzie, Williams, and Divide Counties.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
Rest of State.....	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65	
S. Dakota, all.....	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75	
Nebraska, all.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
Kansas, all.....	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80	
West:										
Montana, all.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
Idaho:										
Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kotenai, Bonner and Boundary Counties.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
Rest of State.....	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75	
Wyoming, all.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
Colorado:										
San Luis Valley and Greeley District.....	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75	
Western Slope.....	3.10	3.20	3.30	3.35	3.40	3.50	3.60	3.70	3.70	
New Mexico, all.....	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05	
Arizona, all.....	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10	
Utah, all.....	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65	
Nevada, all.....	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90	
Washington, all.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
Oregon:										
Malheur County.....	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75	
Curry, Jackson, Josephine, Klamath, Lake, and Harvey Counties.....	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90	
Rest of State.....	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85	
California:										
Modoc and Siskiyou Counties.....	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90	
Rest of State.....	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10	
All other States.....	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05	

(b) The foregoing maximum prices shall be reduced at the rate of \$0.50 per 100 pounds for the sale of war approved seed potatoes.

This regulation shall become effective November 19, 1943.

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

Approved: November 6, 1943.  
MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18385; Filed, November 18, 1943; 11:54 a. m.]

## PART 1499—COMMODITIES AND SERVICES

[Order 625 Under 8 (b) of GMPR]

NATIONAL CANDY COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered that:

**§ 1499.2160 Authorization of maximum prices governing sales of "Sororities", a confectionery item manufactured by the National Candy Company, Inc., Veribrite Factory, Chicago, Illinois.** (a) The Veribrite Factory of the National Candy Company, Inc., of Chicago, Illinois, is hereby authorized to sell to jobbers its "Sororities", a one-ounce confectionery item, packed 80 pieces to the box, at the maximum delivered price of 98 cents per 80 count box.

(b) Wholesalers are authorized to sell this item to retailers at a maximum delivered price of \$1.20 per 80 count box.

(c) Retailers are authorized to sell this item at a price not in excess of 2 cents each.

(d) The prices established in this order are the highest price for which "Sororities" may be sold by the respective sellers and all sellers of this item shall maintain their customary discounts, allowances and price differentials applying to sales of comparable candy items. In the application of any existing differentials, the maximum prices established by this order shall not be exceeded.

(e) The Veribrite Factory of the National Candy Company, Inc., shall mail or otherwise supply to its purchasers of this item, at the time of or prior to the first delivery to such purchasers a written notice as follows:

The Office of Price Administration has authorized us to sell to jobbers our "Sororities", a one-ounce confectionery item, packed 80 pieces to the box, at the maximum delivered price of 98 cents per 80 count box. Jobbers are authorized to sell this item to retailers at the maximum delivered price of \$1.20 per 80 count box. All sellers are required to maintain their customary discounts, allowances and price differentials, applying to like sales of comparable candy items. In the application of any existing differentials, the maximum prices mentioned herein shall not be exceeded.

(f) The Veribrite Factory of the National Candy Company, Inc., for a period of at least ninety days, shall place in or on each 80 count box a notice to retailers as follows:

The Office of Price Administration has established maximum prices for sales of "Sororities", a one ounce confectionery item, packed 80 pieces to the box. Jobbers are authorized to charge a price not in excess of \$1.20 per 80 count box delivered. Retailers are authorized to sell this item at a price not in excess of 2 cents each. All sellers are required to maintain their customary discounts, allowances and price differentials applying to like sales of comparable candy items. In the application of any existing differentials, the maximum prices mentioned herein shall not be exceeded.

(g) This order may be revoked or amended at any time by the Office of Price Administration.

(h) This Order No. 625 shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F.R. Doc. 43-18336; Filed, November 13, 1943;  
11:54 a. m.]

**PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT**

[MPR 435; Amdt. 2]

**NEW BICYCLE TIRES AND TUBES**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 435 is amended in the following respects:

1. Appendix A, paragraph (a) is amended by substituting the phrase "brand owners" for the word "manufacturers" every place it appears in paragraph (a) and by amending the headnote to read as follows:

(a) *Maximum prices for sales and deliveries of certain brands to jobbers.*

2. Appendix A, paragraph (a) (1) (ii) is amended by adding the following sentence at the end thereof: Distributors of Atlas Supply Co. shall be considered jobbers.

3. Appendix A, paragraph (a) (7) is added to read as follows:

(7) *Factory seconds.* The maximum price for any sale or delivery to a jobber of factory second bicycle tires or tubes shall be the price listed in the following table. "Factory second" means any bicycle tire or tube with the brand name buffed off or otherwise removed.

Type of tire or tube (any size):	per pair	Maximum price
Balloon tire <sup>1</sup>		\$1.80
Lightweight tire <sup>2</sup>		1.84
Single-tube tire		2.34
Any tube		.92

<sup>1</sup> A balloon tire is any tire of one of the following sizes: 20 x 2.125, 24 x 2.125, 26 x 2.125.

<sup>2</sup> A lightweight tire is any tire of one of the following sizes: 26 x 1.25, 26 x 1.375, 26 x 1.25-1.375, 27 x 1.50.

4. Appendix A, paragraph (b) (2) (1) is amended to read as follows:

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 10419.

(i) *Applicability of this subparagraph.* This subparagraph does not apply to sales or deliveries to any purchaser covered by subparagraph (3) or (4) of this paragraph. It does apply to any other purchaser buying his own brands.

5. Appendix A, paragraph (b) (2) (iv) is amended by amending the table to read as follows:

Size	Ply	Percentage
12 x 1.375	2	17.3
14 x 1.375	2	20.5
16 x 1.375	2	23.6
18 x 1.375	2	26.7
20 x 1.50	2	20.5
24 x 1.50	2	23.6
26 x 1.50	2	26.7
26 x 1.50	3	49.2
28 x 1.00 (Fabric)	2	30.5
28 x 1.125 (Fabric)	2	33.2
28 x 1.25 (Fabric)	2	33.2
28 x 1.50	2	30.0
28 x 1.50	3	52.1

6. Appendix A, paragraph (b) (3) is amended to read as follows:

(3) *Sales on a jobber basis.* This subparagraph applies to sales to any purchaser who bought his own brands of bicycle tires and tubes from the manufacturer during October, 1941, on a jobber basis. Such a purchaser bought on a jobber basis if the price he paid was determined by using or applying discounts to the price list which the manufacturer had in effect to jobbers for comparable tires and tubes or if his total purchases of replacement bicycle tires and tubes from the manufacturer during 1941 did not exceed \$20,000. This subparagraph also applies to any purchaser buying his own brands, other than a cost-plus purchaser, to whom the manufacturer did not have a price in effect on October 15, 1941. The maximum price for any sale or delivery by a manufacturer to such a brand owner of bicycle tires or tubes of the brand owner's brand shall be the same as the maximum price to jobbers under paragraph (a) for whichever one of the manufacturers' own brands is most comparable in physical quality to the tires or tubes being priced. The maximum price of rim strips under this subparagraph shall be determined according to subparagraph (2) (v).

7. Table I-A in Appendix A is amended by substituting the word "Certain" for the word "Manufacturers" in the title of the table, by substituting the phrase "Brand owner and brand" for the phrase "Manufacturer and brand" as the heading for the first column in the table, and by adding, in the proper place for the brand owners' names to appear in alphabetical order, a new brand owner and brand, with the prices, as set forth below under the column headings of the table:

Brand owner and brand	Sizes					
	20 x 2.125	24 x 2.125	26 x 1.25	26 x 1.375 and 26 x 1.25-1.375	26 x 2.125	All other sizes
Atlas Supply Co.: Atlas					\$2.73	

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8. Table II-A in Appendix A is amended by substituting the word "Certain" for the word "Manufacturers" in the title of the table, by substituting the phrase "Brand owner and brand" for the phrase "Manufacturer and brand" as the heading for the first column in the table, by adding a new brand of tubes for both

Pennsylvania Rubber Co., Inc., and United States Rubber Co., with prices for each brand, and by adding as the first item in the table a new brand owner and brand, with the prices, as set forth below under the column headings of the table:

Brand owner and brand	Sizes			Maximum price per pair
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	
Atlas Supply Co.; Atlas Pennsylvania Rubber Co., Inc.; Pennsylvania Heavy Duty Thorn-Proof; United States Rubber Co.; U. S. Royal Master Thorn-Resisting.	\$4.24	\$1.23	\$1.23	\$2.40
	2.35	2.35	2.35	2.35
	2.35	2.35	2.35	2.35

9. Table III-A in Appendix A is amended to read as follows:

TABLE III-A.—MAXIMUM PRICES<sup>1</sup> FOR SALES AND DELIVERIES OF CERTAIN BRANDS OF SINGLE-TUBE BICYCLE TIRES TO JOBERS

Size	Ply	Maximum price per pair
12 x 1.375	2	\$2.82
14 x 1.375	2	2.80
16 x 1.375	2	2.97
18 x 1.375	2	3.04
20 x 1.50	2	2.89
24 x 1.50	2	2.97
26 x 1.50	2	3.04
28 x 1.60	2	3.35
28 x 1.00 (Fabric)	2	3.38
28 x 1.125 (Fabric)	2	3.20
28 x 1.25 (Fabric)	2	3.20
28 x 1.50	2	3.65

10. Appendix C, paragraph (g) is added to read as follows:

TABLE III-C.—MAXIMUM PRICES<sup>1</sup> FOR SALES AND DELIVERIES OF SINGLE-TUBE BICYCLE TIRES TO RETAILERS

Size	Ply	Maximum price per pair
12 x 1.375	2	\$3.15
14 x 1.375	2	3.15
16 x 1.375	2	3.15
18 x 1.375	2	3.15
20 x 1.50	2	3.15
24 x 1.50	2	3.15
26 x 1.50	2	3.15
28 x 1.00 (Fabric)	2	3.15
28 x 1.125 (Fabric)	2	3.15
28 x 1.25 (Fabric)	2	3.15
28 x 1.50	2	3.15

<sup>1</sup> Paragraph (g) in Appendix A requires the deduction of certain discounts from these prices.

11. Table I-C in Appendix C is amended to read as follows:

TABLE I-C.—MAXIMUM PRICES<sup>1</sup> FOR SALES AND DELIVERIES OF FACTORY SECOND BICYCLE TIRES OR TUBES

Size	Ply	Maximum price per pair
12 x 1.375	2	\$4.33
14 x 1.375	2	4.27
16 x 1.375	2	4.27
18 x 1.375	2	4.27
20 x 1.50	2	4.27
24 x 1.50	2	4.27
26 x 1.50	2	4.27
28 x 1.60	2	4.27
28 x 1.00 (Fabric)	2	4.27
28 x 1.125 (Fabric)	2	4.27
28 x 1.25 (Fabric)	2	4.27
28 x 1.50	2	4.27

<sup>1</sup> Paragraph (g) in Appendix A requires the deduction of certain discounts from these prices.

12. Table II-C in Appendix C is amended by substituting \$1.57 for \$1.06 as the price listed for the Simplex brand of Simplex Manufacturing Co.

13. Table III-C in Appendix D is amended by substituting \$1.57 for \$1.06 as the price listed for the Atlas brand of Atlas Supply Co., in both the columns for sizes 24 x 2.125 and 26 x 2.125, by substituting \$1.64 for \$1.40 as the price listed for the Simplex brand of Simplex Manufacturing Co., and by adding a new brand of tubes for both Pennsylvania Rubber Co., Inc. and United States Rubber Co., with prices for each brand, as set forth below under the column headings of the table:

Brand owner and brand	Sizes			Maximum price for each tire
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	
Pennsylvania Heavy Duty Thorn-Proof; United States Rubber Co.; U. S. Royal Master Thorn-Resisting.	\$3.15	\$3.15	\$3.15	\$2.80
	3.15	3.15	3.15	2.95
	3.15	3.15	3.15	3.05
	3.15	3.15	3.15	3.20
	3.15	3.15	3.15	3.50
	3.15	3.15	3.15	3.65

14. Table III-C in Appendix C is amended to read as follows:

TABLE III-C.—MAXIMUM PRICES<sup>1</sup> FOR SALES AND DELIVERIES OF FACTORY SECOND BICYCLE TIRES OR TUBES

Size	Ply	Maximum price per pair
12 x 1.375	2	\$2.80
14 x 1.375	2	2.95
16 x 1.375	2	3.05
18 x 1.375	2	3.05
20 x 1.50	2	3.05
24 x 1.50	2	3.05
26 x 1.50	2	3.05
28 x 1.00 (Fabric)	2	3.05
28 x 1.125 (Fabric)	2	3.05
28 x 1.25 (Fabric)	2	3.05
28 x 1.50	2	3.05

15. Table I-D in Appendix D is amended to read as follows:

TABLE I-D.—MAXIMUM PRICES<sup>1</sup> FOR SALES AND DELIVERIES OF FACTORY SECOND BICYCLE TIRES OR TUBES

Size	Ply	Maximum price per pair
12 x 1.375	2	\$2.80
14 x 1.375	2	2.95
16 x 1.375	2	3.05
18 x 1.375	2	3.05
20 x 1.50	2	3.05
24 x 1.50	2	3.05
26 x 1.50	2	3.05
28 x 1.00 (Fabric)	2	3.05
28 x 1.125 (Fabric)	2	3.05
28 x 1.25 (Fabric)	2	3.05
28 x 1.50	2	3.05

16. Table II-D in Appendix D is amended to read as follows:

TABLE II-D.—MAXIMUM PRICES<sup>1</sup> FOR SALES AND DELIVERIES OF FACTORY SECOND BICYCLE TIRES OR TUBES

Size	Ply	Maximum price per pair
12 x 1.375	2	\$2.80
14 x 1.375	2	2.95
16 x 1.375	2	3.05
18 x 1.375	2	3.05
20 x 1.50	2	3.05
24 x 1.50	2	3.05
26 x 1.50	2	3.05
28 x 1.00 (Fabric)	2	3.05
28 x 1.125 (Fabric)	2	3.05
28 x 1.25 (Fabric)	2	3.05
28 x 1.50	2	3.05

Brand owner and brand	Sizes			Maximum price for each tire
	20 x 2.125	24 x 2.125	26 x 1.25, 26 x 1.375 and 26 x 1.25-1.375	
Pennsylvania Heavy Duty Thorn-Proof; United States Rubber Co.; U. S. Royal Master Thorn-Resisting.	\$2.35	\$2.35	\$2.35	\$2.80
	2.35	2.35	2.35	2.95
	2.35	2.35	2.35	3.05
	2.35	2.35	2.35	3.20
	2.35	2.35	2.35	3.50
	2.35	2.35	2.35	3.65

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18419; Filed, November 15, 1943;  
11:59 a. m.]

**PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING**

[RPS 32,<sup>1</sup> Amdt. 8]

**PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1347.58 is amended to read as follows:

**§ 1347.58 Petitions for amendment and applications for adjustment.** (a) Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration.

(b) Under the following conditions a producer of any of the commodities covered by this Revised Price Schedule No. 32 may apply for adjustment of his maximum prices where the War Production Board certifies by letter to the Office of Price Administration that the commodity involved is necessary, in the quantity actually to be supplied by the applicant, to meet a military or essential civilian need. The amount of adjustment which may be granted will be determined by the Office of Price Administration and will in no case exceed an amount deemed reasonably necessary to insure the applicant's production of the commodity in question, in the light of the applicant's costs of production and his overall financial condition.

(1) **Form of application for adjustment.** Applications for adjustment shall be filed in accordance with subpart B of Revised Procedural Regulation No. 1, with the Office of Price Administration, Code 695, Washington, D. C. In addition the applicant shall set forth the following data:

(i) Statement of the applicant's maximum price, the section of Revised Price Schedule No. 32 under which such price is determined, and the proposed adjusted maximum price.\*

(ii) Statement as to the length of time the applicant has been producing the commodity, and the actual production in tons per month for the last six months, preceding the date of filing of the application.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 9861, 8 F.R. 3313, 6173, 3533, 11806.

(iii) Where the applicant has been producing the commodity, a record of the applicant's actual costs involved in the manufacture and sale of the commodity is to be given in full detail on Form 695:105 in accordance with the instructions on that form. These costs are to be given for the total production during each of the last two quarterly accounting periods, by which is meant the average actual costs for all the tons of the commodity produced during each period. Costs on only one of several runs during each period will not be sufficient for this purpose.

If the applicant has not been producing the commodity during the preceding six months, an estimate of costs for the month following the date of the application is to be given on forms to be supplied by the Office of Price Administration.

A sample<sup>\*</sup> of the commodity (size 8½" x 11") is to be filed with these forms, which may be obtained from the Office of Price Administration—Code 695—Washington, D. C.

(iv) Statement of the seller's over-all financial condition, including the information required by OPA Form A (Annual Financial Report) for the fiscal year next preceding the filing of the application, and the information required by OPA Form B (Interim Financial Report) for each quarterly period subsequent to the period covered by the A report: *Provided*, That for cause shown this latter requirement may be waived in whole or in part at the discretion of the Administrator.

(v) A complete statement of the reasons why the applicant believes that he will be unable to maintain his production of the commodity at his established maximum price.

This Amendment No. 8 to Revised Price Schedule No. 32 shall become effective November 20, 1943.

**Note:** All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18420; Filed, November 15, 1943;  
11:57 a. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[MPR 422,<sup>1</sup> Amdt. 5]

**CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 421 is amended in the following respects:

<sup>1</sup> 8 F.R. 9388, 10569, 10987, 13293.

1. Section 32 (b) (12) is amended to read as follows:

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glazed fruits, and peels.

**Note:** The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits and you must figure separate ceiling prices for each item of the 1943 pack.

2. Section 32 (b) (33) is amended to read as follows:

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

3. Section 32 (b) (34) is amended to read as follows:

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned). Excluded are frozen vegetables and canned blackeye, crowder, cream, and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

**Note:** The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18421; Filed, November 15, 1943;  
11:58 a. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[MPR 422,<sup>1</sup> Amdt. 9]

**CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 422 is amended in the following respects:

<sup>1</sup> 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 14853.

1. Section 31 (d) is added to read as follows:

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 30 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 30 (a) for those remaining in operation. If the combined "annual gross sales" are not \$500,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Thursday. For "dry grocery" items, you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items, you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 4 store (or under section 8 of Maximum Price Regulation No. 423<sup>2</sup> if a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Maximum Price Regulation No. 423.

2. Section 38 (b) (12) is amended to read as follows:

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glazed fruits, and peels.

*Note:* The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits and you must figure separate ceiling prices for each item of the 1943 pack.

3. Section 38 (b) (33) is amended to read as follows:

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except

canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

4. Section 38 (b) (34) is amended to read as follows:

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

*Note:* The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18422; Filed, November 15, 1943;  
11:58 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423;<sup>1</sup> Amdt. 10]

##### CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 423 is amended in the following respects:

1. Section 21 (c) is amended to read as follows:

(c) *New stores.* If you open a retail store after July 15, 1943, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date you are an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422.<sup>2</sup>) However, after you have been in business for 3 months, you must determine again what group your store is in. To do this, take your total sales in the new store for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

Furthermore, if by reason of the new store you now are one of 4 or more stores under one ownership, you must at the end of the 3-month period refigure the combined "annual gross sales" for all your stores. If the combined "annual gross sales" are \$500,000 or more, all of your stores must then be considered as

\* Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854.

<sup>2</sup> 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 14853.

Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Thursday following the end of the 3-month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for the new group in which this store falls.

In refiguring your ceiling prices as required above, for "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable items", you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 1 store (or under section 8 of Maximum Price Regulation No. 422 if a Group 3 store). If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

2. Section 27 (b) (12) is amended to read as follows:

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glazed fruits and peels.

*Note:* The 1943 pack of dried fruits shall be considered a different item from the 1942 pack<sup>1</sup> of dried fruits and you must figure separate ceiling prices for each item of the 1943 pack.

3. Section 27 (b) (33) is amended to read as follows:

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

4. Section 27 (b) (34) is amended to read as follows:

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

*Note:* The 1943 pack of canned vegetables and frozen vegetables shall be considered

different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681).

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18423; Filed, November 15, 1943;  
11:58 a. m.]

**PART 1364—FRESH, CURED AND CANNED MEAT AND FISH**

[RMPR 148.<sup>1</sup> Amdt. 13]

**DRESSED HOGS AND WHOLESALE PORK CUTS**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. Section 1364.32 (a) (7) is amended to read as follows:

(7) "Local delivery" means: (i) Delivery otherwise than by rail, commencing at the seller's place of business, or, in the case of car routes, at the car route unloading point, and continuing to the buyer's store door or other point of delivery; or

(ii) Delivery by rail or rail and truck, commencing at the seller's place of business and continuing to the buyer's store door or other point of delivery. The seller, if he desires, may elect to treat a delivery under this subparagraph (ii) as not constituting a local delivery.

2. Section 1364.32 (a) (11) is amended to read as follows:

(11) "Shipping container" means a sealed box, sealed crate, sealed barrel or a sack and/or cloth wrapping, which becomes the property of the buyer upon delivery of the wholesale pork cuts therein contained, or a returnable container of solid wood or metal which must be of a type and size which the seller has customarily used in making delivery of wholesale pork cuts and must be carried into the buyer's place of business in making delivery of products packed therein.

3. Item 31 of Schedule I (h) of § 1364.35 is added to read as follows:

	Size of can	Price (dollars per 100 pounds)
31. Pork and gravy	30 oz....	40.00

This amendment shall become effective November 20, 1943.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 8609, 9005, 8948; 8 F.R. 544, 2922, 3367, 4785, 7322, 7671, 7826, 8376, 8677, 10571, 10732, 11380, 9998.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18424; Filed, November 15, 1943;  
11:59 a. m.]

**PART 1364—FRESH, CURED AND CANNED MEAT AND FISH**

[MPR 394.<sup>1</sup> Amdt. 5]

**RETAIL CEILING PRICES FOR KOSHER BEEF, VEAL, LAMB AND MUTTON CUTS AND ALL VARIETY MEATS AND EDIBLE BY-PRODUCTS**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 394 is amended in the following respects:

1. Section 3 (c) is added to read as follows:

(c) On September 20, 1943, the dollar-and-cents ceiling prices fixed by this regulation take the place of all previous ceiling prices fixed by the Office of Price Administration upon retail sales of kosher sausage. On and after September 20, 1943, you must not sell any kosher

sausage other than the kosher sausage for which dollar-and-cents prices are fixed by this regulation and you must not sell such sausage at prices higher than the prices fixed by this regulation.

2. Section 4 is amended to read as follows:

Sec. 4. What beef, veal, lamb or mutton cuts, sausage, variety meats and edible by-products you may sell. On and after June 21, 1943, the only kosher beef, veal, lamb and mutton items you may sell are (1) those kosher cuts and items, fresh, frozen or cured, which are described and given dollar-and-cents ceiling prices under this regulation; (2) kosher sausage items which are given dollar-and-cents ceiling prices under this regulation and described in Maximum Price Regulation No. 389—Ceiling Prices for Certain Sausage Items at Wholesale; (3) canned meat for which your ceiling prices are fixed by Maximum Price Regulations Nos. 422 and 423; (4) and certain processed meat for which your ceiling prices are to remain as fixed under the General Maximum Price Regulation.

3. Section 23 (a) is amended to read as follows:

(a) Retail ceiling prices for kosher sausage.

[Cents per pound]

Item	Zone 1	Zone 2	Zone 3	Zone 4	Zone 4A	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9 North	Zone 9 South	Zone 10
1. Frankfurters:												
Sheep casings (S. C.)	.55	.54	.50	.50	.48	.47	.47	.48	.49	.51	.49	.49
Artificial casings (A. C.)	.50	.49	.46	.46	.44	.43	.43	.44	.44	.47	.45	.45
2. Bologna and knackwurst:												
Natural casings (N. C.)	.48	.46	.43	.43	.41	.40	.40	.41	.42	.44	.42	.42
Artificial casings (A. C.)	.46	.45	.42	.42	.40	.39	.39	.40	.40	.43	.41	.41
3. Salami—soft:												
Artificial casings (A. C.)	.50	.50	.48	.48	.47	.46	.46	.46	.47	.50	.47	.48
4. Salami—medium or hard (sold weight shall not exceed 80% of the purchased weight) Artificial casings (A. C.)	.70	.70	.68	.68	.67	.66	.66	.66	.67	.70	.67	.68

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18425; Filed, November 15, 1943;  
11:57 a. m.]

**PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES**

[MPR 157.<sup>1</sup> Amdt. 9]

**SALES AND FABRICATION OF TEXTILES, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1378.3 (a) (1) is amended by adding at the end thereof, after the phrase "during March 1942", the following proviso:

<sup>1</sup> 8 F.R. 6364, 6548, 6618, 7200, 7692, 11297, 12621.

<sup>2</sup> 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507.

Provided, That, in the case of products manufactured by the seller in whole or in part from raw jute fiber, the seller's increase in material cost for raw jute fiber shall be the difference between the cost specified in (1), above, and the cost which the seller would have incurred for such raw jute fiber if purchased from Defense Supplies Corporation on August 20, 1943.

This amendment shall become effective November 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18426; Filed, November 15, 1943;  
11:59 a. m.]

**PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS**

[RO 9A.<sup>1</sup> Amdt. 4 to Supp. 1<sup>2</sup>]

**STOVES**

Supplement 1 to Ration Order 9A is amended in the following respects:

<sup>1</sup> 8 F.R. 11564, 12749, 13060, 14049.

<sup>2</sup> 8 F.R. 13024, 14620.

## FEDERAL REGISTER, Tuesday, November 16, 1943

1. The headnote to § 1432.69 (b) (3) is amended by deleting the phrase "in Region VIII".  
 2. Table II in § 1432.69 (b) (3) (ii) is amended to read as follows:

PERCENTAGE INCREASES IN ALLOWABLE INVENTORIES GRANTED ON REGISTRATION

OPA district	Heating stoves of following types			Cooking stoves of following types		
	Coal or wood	Oil	Gas	Coal or wood	Oil	Gas
Region I: Hartford.....	Percent 0 50 100 150 200	Percent 0 0 0 0 0	Percent 0 50 0 0 0	Percent 50 0 0 0 0	Percent 0 0 0 0 0	Percent 50 50 100 150 100
Augusta.....	0	0	0	0	0	0
Boston.....	0	0	0	0	0	0
Concord.....	50	0	0	50	0	0
Providence.....	0	0	0	0	0	0
Montpelier.....	100	0	0	50	0	0
Region IV: Birmingham.....	0	0	0	0	0	0
Montgomery.....	0	0	0	0	0	0
Jacksonville.....	0	0	0	0	0	0
Atlanta.....	0	0	0	0	0	0
Savannah.....	0	0	0	0	0	0
Jackson.....	0	0	0	0	0	0
Charlotte.....	0	0	0	0	0	0
Baltimore.....	0	0	0	0	0	0
Columbia.....	0	0	0	0	0	0
Memphis.....	0	0	0	0	0	0
Nashville.....	0	0	0	0	0	0
Richmond.....	0	0	0	0	0	0
Roanoke.....	0	0	0	0	0	0
Region V: Little Rock.....	0	50	50	0	150	0
Wichita.....	0	50	100	0	0	0
New Orleans.....	0	50	0	0	0	0
Shreveport.....	0	50	0	0	0	0
Kansas City.....	50	50	0	0	0	0
St. Louis.....	50	0	0	0	0	0
Oklahoma City.....	0	100	0	0	0	0
Tulsa.....	0	50	0	0	0	0
Dallas.....	0	100	50	0	0	0
Fort Worth.....	0	50	0	0	0	0
Houston.....	0	50	0	0	0	0
Lubbock.....	0	50	100	0	0	0
San Antonio.....	0	50	100	0	0	0
Region VI: Chicago.....	0	50	0	0	0	0
Moline.....	0	0	0	0	0	0
Peoria.....	0	0	0	0	0	0
Springfield.....	0	0	0	0	0	0
Des Moines.....	0	0	0	0	0	0
Sioux City.....	0	0	0	0	0	0
Duluth.....	0	0	0	0	0	0
St. Paul.....	0	0	0	0	0	0
North Platte.....	50	200	100	0	0	0
Omaha.....	50	0	0	0	0	0
Fargo.....	0	50	100	0	0	0
Sioux Falls.....	0	50	100	0	0	0
Green Bay.....	0	0	0	0	0	0
La Crosse.....	50	50	0	0	0	0
Milwaukee.....	0	50	0	0	0	0
Region VII: Denver.....	0	100	0	0	0	0
Boise.....	100	50	100	0	0	0
Helena.....	0	150	150	0	0	0
Albuquerque.....	100	150	0	0	0	0
Salt Lake City.....	0	100	0	0	0	0
Cheyenne.....	0	100	200	0	0	0
Region VIII: Fresno.....	0	200	100	0	0	0
Los Angeles.....	0	100	100	0	0	0
Phoenix.....	0	100	50	0	0	0
Portland.....	50	100	100	0	0	0
Reno.....	100	100	400	0	0	0
Sacramento.....	0	200	100	0	0	0
San Diego.....	100	150	100	0	0	0
San Francisco.....	0	100	50	0	0	0
Seattle.....	150	200	100	0	0	0

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18427; Filed, November 15, 1943; 11:57 a. m.]

## PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426; Amdt. 10]

## CABBAGE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

1. Appendix B (3) of section 15 is amended to read as follows:

(3) Maximum prices for sales to retailers, institutional users and government procurement agencies in less-than-carloads or less-than-trucklots in the following zones for the period June 1 to November 30, 1943.

OPA district	Percent 0 50 100 150 200	Percent 0 0 0 0 0	Percent 0 50 0 0 0	Percent 50 0 0 0 0	Percent 0 0 0 0 0	Percent 50 50 100 150 100
Region I: Hartford.....	0	0	0	0	0	0
Augusta.....	0	0	0	0	0	0
Boston.....	0	0	0	0	0	0
Concord.....	50	0	0	50	0	0
Providence.....	0	100	0	0	0	0
Montpelier.....	100	0	50	0	0	100
Region IV: Birmingham.....	0	0	0	0	0	0
Montgomery.....	0	0	0	0	0	0
Jacksonville.....	0	0	0	0	0	0
Atlanta.....	0	0	0	0	0	0
Savannah.....	0	0	0	0	0	0
Jackson.....	0	0	0	0	0	0
Charlotte.....	0	0	0	0	0	0
Baltimore.....	0	0	0	0	0	0
Columbia.....	0	0	0	0	0	0
Memphis.....	0	0	0	0	0	0
Nashville.....	0	0	0	0	0	0
Richmond.....	0	0	0	0	0	0
Roanoke.....	0	0	0	0	0	0
Region V: Little Rock.....	0	50	50	0	150	0
Wichita.....	0	50	100	0	0	0
New Orleans.....	0	50	0	0	0	0
Shreveport.....	0	50	0	0	0	0
Kansas City.....	50	50	0	0	0	0
St. Louis.....	50	0	0	0	0	0
Oklahoma City.....	0	100	0	0	0	0
Tulsa.....	0	50	0	0	0	0
Dallas.....	0	100	50	0	0	0
Fort Worth.....	0	50	0	0	0	0
Houston.....	0	50	0	0	0	0
Lubbock.....	0	50	100	0	0	0
San Antonio.....	0	50	100	0	0	0
Region VI: Chicago.....	0	50	0	0	0	0
Moline.....	0	0	0	0	0	0
Peoria.....	0	0	0	0	0	0
Springfield.....	0	0	0	0	0	0
Des Moines.....	0	0	0	0	0	0
Sioux City.....	0	0	0	0	0	0
Duluth.....	0	0	0	0	0	0
St. Paul.....	0	0	0	0	0	0
North Platte.....	50	200	100	0	0	0
Omaha.....	50	0	0	0	0	0
Fargo.....	0	50	100	0	0	0
Sioux Falls.....	0	50	100	0	0	0
Green Bay.....	0	0	0	0	0	0
La Crosse.....	50	50	0	0	0	0
Milwaukee.....	0	50	0	0	0	0
Region VII: Denver.....	0	100	0	0	0	0
Boise.....	100	50	100	0	0	100
Helena.....	0	150	150	0	0	150
Albuquerque.....	100	150	0	0	0	200
Salt Lake City.....	0	100	0	0	0	100
Cheyenne.....	0	100	200	0	0	200
Region VIII: Fresno.....	0	200	100	0	0	100
Los Angeles.....	0	100	100	0	0	100
Phoenix.....	0	100	50	0	0	50
Portland.....	50	100	100	0	0	100
Reno.....	100	100	400	0	0	100
Sacramento.....	0	200	100	0	0	100
San Diego.....	100	150	100	0	0	100
San Francisco.....	0	100	50	0	0	50
Seattle.....	150	200	100	0	0	100

This amendment shall become effective November 15, 1943.  
 (56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 4681)

Issued this 15th day of November 1943.

CHESTER BOWLES,  
Administrator.

APPROVED: November 6, 1943.  
 GROVER B. HILL,  
 Acting War Food Administrator.

[F. R. Doc. 43-18428; Filed, November 15, 1943; 11:57 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERWAYS

Chapter II—Corps of Engineers, War Department

## PART 203—BRIDGE REGULATIONS

203.485. Bridges over specified Atlantic

## NAVIGABLE WATERWAYS

203.522. 203.530, 203.545, and 203.550, are hereby rescinded and are superseded by the adoption of the following regulations:

§ 203.241. Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18,

\*Copies may be obtained from the Office of

Price Administration.

18 F.R. 9568, 9546, 9727, 10571, 10673, 11569, 11691, 11756, 12098, 12951, 13733, 14012, 14154.

Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required. (a) The owners of or agencies controlling the bridges listed below will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner or of agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Cat Point Creek, Va.; Virginia Department of Highways bridge near Warsaw, Va. (At least four hours' advance notice required.)

Bains Creek, Va.; Atlantic Coast Line Railroad Company bridge at Portsmouth, Va. (At least twenty-four hours' advance notice required.)

Nansemond River, Western Branch, Va.; Virginia Department of Highways bridge at Reids Ferry, Va. (At least eight hours' advance notice required.)

South Creek, N. C.; Atlantic Coast Line Railroad Company bridge at Royal, N. C. (At least twenty-four hours' advance notice required.)

Contentnea Creek, N. C.; Atlantic Coast Line Railroad Company bridge at Grifton, N. C. (At least twenty-four hours' advance notice required.)

Trent River, N. C.; Atlantic Coast Line Railroad Company bridge at Pollocksville, N. C., and drawbridges upstream thereof. (At least twenty-four hours' advance notice required.)

Pee Dee River, S. C.; Seaboard Air Line Railway Company bridge at Poston, S. C. (At least twenty-four hours' advance notice required.)

Santee River, S. C.; bridges of Seaboard Air Line Railway Company (railroad) near Jamestown, Atlantic Coast Line Railroad Company (railroad) near St. Stephens, and South Carolina State Highway Department (highway) near Lanes, S. C. (At least thirty days' advance notice required.)

Santee and Congaree Rivers, S. C.; drawbridges above South Carolina State Highway Department bridge near Lanes, S. C. (At least twenty-four hours' advance notice required.)

Church Creek, S. C.: bridge (highway) between Johns Island and Wadmalaw Island on the county highway between Charleston and Rockville, S. C. (At least twenty-four hours' advance notice required.)

Combahee River, S. C.; bridges of Seaboard Air Line Railway Company (railroad) near Wiggins and South Carolina State Highway Department (highway) near Sheldon, S. C. (At least twelve hours' advance notice required.)

North Wimbee Creek, S. C.; Seaboard Air Line Railway Company bridge near Lobeco, S. C. (At least twenty-four hours' advance notice required.)

Harbor River, a tidal estuary in St. Helena Sound, S. C.; South Carolina State Highway Department bridge on State Highway No. 285 at Hunting Island, S. C. (At least twenty-four hours' advance notice required.)

Battery Creek, S. C.; South Carolina State Highway Department bridge between Beaufort and Parris Island, S. C. (At least twenty-four hours' advance notice required.)

Broad River, S. C.; Seaboard Air Line Railway Company bridge near Whale Branch, S. C. (At least twenty-four hours' advance notice required.)

Richardson's Creek, Ga.; Chatham County bridge (highway) connecting Oatland Island and Whitemarsh Island, near Thunderbolt, Ga. (At least twenty-four hours' advance notice required.)

Ogeechee River, Ga.; all drawbridges. (At least twenty-four hours' advance notice required.)

Broward River (Cedar Creek) and Clapboard Creek, Fla.; bridges on Hackscher Drive. (At least twelve hours' advance notice required.)

St. Johns River, Fla.; Florida East Coast Railway Company bridge at Cook's Ferry, Fla. (At least eight hours' advance notice required.)

Kissimmee River, Fla.; Seaboard Air Line Railway Company bridge near Fort Bassenger, Fla. (At least twenty-four hours' advance notice required.)

Maika River, Fla.; highway and railroad drawbridges near Charlotte Beach, Fla. (At least thirty-six hours' advance notice required.)

Lemon Bay, Fla.; highway drawbridge near Englewood, Fla. (At least four hours' advance notice required.)

Flint River, Ga.; bridges of Seaboard Air Line Railway Company and Atlantic Coast Line Railroad Company at Bainbridge, Ga. (At least twenty-four hours' advance notice required.)

Chattahoochee River, Ga., and Ala. bridges of Atlanta Coast Line Railroad Company at Alaga, Ala., Central of Georgia Railroad Company at Columbia, Ala., and Seaboard Air Line Railway Company near Omaha, Ga. (At least six hours' advance notice required.)

Choctawhatchee River, Fla.; State Road Department of Florida bridge on State Road No. 10 approximately 14 miles east of Freeport, Fla. (At least twelve hours' advance notice required.)

Coosa River, Ala.; Seaboard Air Line Railway Company bridge at Lock, Ala. (At least twenty-four hours' advance notice required.)

Coosa River, Ala.; Louisville and Nashville Railroad Company bridge at Gadsden, Ala. (At least six hours' advance notice required.)

West Pearl River, La.; New Orleans and Northeastern Railroad Company bridge at Pearl River Station, La. (At least six hours' advance notice required.)

Tante Phine Pass, La.; Tide Water Associated Oil Company bridge near Venice, La. (At least twenty-four hours' advance notice required.)

Bayou Black, La.; Morgan's Louisiana and Texas Railroad and Steamship Company

bridge at Southdown, La. (At least twenty-four hours' advance notice required.)

Bayou Lafourche, La.; bridges of Louisiana Department of Highways (highway) and Texas and Pacific Railway Company (railroad) near Napoleonville, La. (At least twenty-four hours' advance notice required.)

Bayou Choctaw, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Wilbert, La. (At least twenty-four hours' advance notice required.)

Bayou Techo, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Breaux Bridge, La. (At least twenty-four hours' advance notice required.)

Bayou Petit Anse, La.; Morgan's Louisiana and Texas Railroad and Steamship Company bridge at Lee, La. (At least twenty-four hours' advance notice required.)

Caddo Lake, La.; bridge of Kansas City, Shreveport and Gulf Railway Company, operated by Kansas City Southern Railway Company, near Moarningsport, La. (At least twenty-four hours' advance notice required.)

Bayou D'Inde, La.; Louisiana Department of Highways bridge. (At least forty-eight hours' advance notice required.)

Bayou D'Inde, La.; bridge (railroad) of Defense Plant Corporation, Cities Service Refining Corporation, Agent. (At least seventy-two hours' advance notice required.)

Contraband Bayou, La.; bridge (highway) of Police Jury of Calcasieu Parish near Lake Charles, La. (At least six hours' advance notice required.)

Houston River, La.; Kansas City Southern Railway Company bridge near Lake Charles, La. (At least twenty-four hours' advance notice required.)

Sabine River, La. and Tex.; Texarkana and Fort Smith Railway Company bridge near Ruliff, Tex., and highway bridge between Starkes, La., and Deweyville, Tex. (At least twenty-four hours' advance notice required.)

Cow Bayou, Tex.; Orange County highway bridges, 7 and 17 miles above the mouth, respectively, near Orangefield, Tex. (At least six hours' advance notice required.)

Brays Bayou, Tex.; Harris County highway bridge at Broadway, Harrisburg, Tex. (At least twelve hours' advance notice required.)

Brazos River, Tex.; combination highway and railroad bridge between Freeport and Velasco, Tex. (At least twenty-four hours' advance notice required.)

Brazos River Diversion Channel, Tex.; highway bridge near Freeport, Tex. (At least twelve hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)  
[Regs. 8 November 1943, CE 800.211  
SPEKH]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 43-18351; Filed, November 15, 1943;  
10:13 a. m.]

## TITLE 34—NAVY

### Chapter I—Department of the Navy

#### PART 9—EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY<sup>1</sup>

##### PUBLIC LAND ORDERS

Part 9 of this chapter is amended by inserting a new Part headnote to read: "Part 9—Executive Orders, Proclamations and Public Land Orders applicable to the Navy" and adding a new § 9.6.

## § 9.6 Public land orders.

State	No.	Date	Citation
California	14.	July 21, 1942	7 F. R. 5917.
Florida	30.	Aug. 14, 1942	7 F. R. 7182.
Washington	38.	Sept. 8, 1942	7 F. R. 7295.
California	41.	Sept. 18, 1942	7 F. R. 7608.
California	70.	Dec. 16, 1942	8 F. R. 32.
California	99.	Mar. 17, 1943	8 F. R. 3743.
California	138	June 10, 1943	8 F. R. 8558.

FRANK KNOX, Secretary of the Navy.

[F. R. Doc. 43-18287; Filed, November 12, 1943; 1:40 p. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration  
PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION.

## JURISDICTION

Section 4.2025 is revised as follows:

§ 4.2025 *Jurisdiction of the Claims Division, Central Office.* Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pension, and retirement pay of the following classes:

No change in (a), (b), (c).

(d) Where the veteran is a claimant for retirement under section 5, Public No. 18, 76th Congress, except:

(1) Where all service was after July 15, 1903, and prior to December 7, 1941.

(2) Where there was service on or after December 7, 1941, it is determined a vocational handicap exists, and all claims for waiver of insurance premiums under the National Service Life Insurance Act or permanent and total benefits under United States Government life insurance have been adjudicated.

(3) Where there was service on or after December 7, 1941, it has been determined that no vocational handicap exists and the appeal period has expired, or an appeal, if filed, has been finally determined.

(4) Following the initial adjudication of a claim comprehended in (1), (2) or (3) above, and decentralization of such claim, the field office having jurisdiction thereover is authorized to complete all subsequent adjudication actions not requiring contact with the War Department relative to retirement, such as apportionments, adjustments under section 13, Public No. 144, 78th Congress, etc. Claims requiring contact with the War Department or where there is doubt as to the proper action, will be referred to the director, veterans claims service, central office, for appropriate action.

No change in (e) through (n).

(48 Stat. 9; 38 U.S.C. 707)

[SEAL] FRANK T. HINES,  
Administrator.

NOVEMBER 16, 1943.

[F. R. Doc. 43-18305; Filed, November 12, 1943;  
4:12 p. m.]PART 25—MEDICAL  
DENTAL SERVICES

Section 25.6120 is revised as follows:

§ 25.6120 *Authorization of dental examinations.* When a detailed report of

dental examination is essential for a determination of eligibility for benefits, a chief dental officer or other empowered official may authorize dental examination for the following classes of claimants or beneficiaries:

(a) Those having a dental disability adjudicated as incurred or aggravated in military or naval service, in war or peacetime, or those requiring examination to determine whether the dental disability is service-connected.

(Sec. 9, Public No. 144, 78th Cong.)

No change in (b), (c), (d), (e), (f).  
[SEAL] FRANK T. HINES,  
Administrator.

NOVEMBER 6, 1943.

[F. R. Doc. 43-18306; Filed, November 12, 1943;  
4:12 p. m.]

## TITLE 42—PUBLIC HEALTH

## Chapter I—United States Public Health Service, Federal Security Agency

PART 9—GRANTS TO STATES FOR PUBLIC  
HEALTH SERVICESSUBPART F—FISCAL YEAR 1943 AND EACH  
YEAR THEREAFTER

Amendments to the Basis of Allotment and Rules and Regulations governing payments to States under Title VI of the Social Security Act.<sup>1</sup>

## Basis of Allotment

Pursuant to section 602 of the Social Security Act, approved August 14, 1935, 49 Stat. 634, as amended (42 U.S.C. 802), the following changes in the Basis of Allotment are hereby prescribed:

Paragraph (a) *Population*, is amended to read as follows:

(a) *Population.* Twenty-seven and one-half percent of available funds in the ratio which the civilian population of each State bears to the population of the United States as shown by provisional estimates of the civilian population made by the Bureau of the Census for March 1, 1943;

Subparagraphs (1) and (3) of paragraph (b) *Special health problems*, are amended to read as follows:

(1) The ratio which the mean annual number of deaths in each State from pneumonia, cancer, and other infectious and parasitic diseases, except influenza and syphilis, bears to the total mortality from these causes in the United States

as shown by the Bureau of Census "mortality statistics" for the five years 1937-1941;

(3) Special conditions which create unequal burdens in the administration of equal public health services among the States indicated by the relative civilian population density;

Paragraph (c) *Financial needs*, is amended to read as follows:

(c) *Financial needs.* Twenty-seven and one-half per cent of available funds on the basis of the financial needs of the States, as determined by the ability of the States to raise revenue expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1938-1942;

## Rules and Regulations

Pursuant to the authority above cited, § 9.403, *Rules and Regulations*, is amended to read as follows:

§ 9.403 *Program and administration.* (a) Federal funds shall be available to assist State and local governments in establishing and maintaining in accordance with accepted modern standards adequate public health services including the training of personnel for State and local health work;

(b) When Federal funds paid hereunder are utilized for the training of personnel, each State shall conform to "Training Policies of the United States Public Health Service" as amended to July 1, 1943. Each State shall establish and maintain (1) acceptable administrative and fiscal procedures; and (2) a system of personnel administration on a merit basis in accordance with "Merit System Policies of the United States Public Health Service" as amended to May 15, 1942;

(Sec. 602, 49 Stat. 634, as amended; 42 U.S.C. 802)

Dated: November 3, 1943.

[SEAL] THOMAS PARRAN,  
Surgeon General.

Approved: November 13, 1943.

WATSON B. MILLER,  
Acting Federal Security  
Administrator.[F. R. Doc. 43-18392; Filed, November 15, 1943;  
11:07 a. m.]TITLE 49—TRANSPORTATION AND  
RAILROADSChapter I—Interstate Commerce  
Commission

[Corrected S. O. 162]

## PART 95—CAR SERVICE

ACCEPTANCE AND MOVEMENT OF ANTHRACITE  
COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of October, A. D. 1943.

It appearing, that due to stoppage in the production of anthracite coal, the Solid Fuels Administrator for War has requested the Office of Defense Trans-

<sup>1</sup> 7 F.R. 6171.

portation to take necessary action to prohibit (1) the billing and movement of anthracite coal, in carloads, except sizes barley or smaller and (2) direct the railroads to cancel any billing, issued on this date, of anthracite coal, in carloads, except sizes barley or smaller; and to hold such cars at the mines or on track at convenient hold points, and the Office of Defense Transportation has similarly certified to this Commission the necessity for appropriate action to give full effect to said order; in the opinion of the Commission an emergency exists requiring immediate action, *It is ordered*, That:

**§ 95.37 Acceptance and movement of anthracite coal.** (a) No common carrier by railroad enumerated in paragraph (b) of this section, subject to the Interstate Commerce Act, shall bill and move any anthracite coal, in carloads, except sizes barley or smaller, and such common carriers shall cancel any billing, issued on this date, of anthracite coal, in carloads, except sizes barley or smaller.

(b) The following are the anthracite railroads subject to this order: (1) The Central Railroad Company of New Jersey (Shelton Pitney and Walter P. Gardner, Trustees), (2) The Delaware and Hudson Railroad Corporation, (3) The Delaware, Lackawanna and Western Railroad Company, (4) Erie Railroad Company, (5) Lehigh and New England Railroad Company, (6) Lehigh Valley Railroad Company, (7) New York, Ontario and Western Railway Company (Frederic E. Lyford, Trustee), (8) The Pennsylvania Railroad Company, and (9) Reading Company.

(c) *Demurrage.* The operation of all demurrage rules, regulations, and charges is hereby suspended with respect to the carload shipments of anthracite coal covered by this order.

(d) *Suspension of tariff provisions.* The operation of all tariff provisions insofar as they are inconsistent with this order is suspended for the effective period of this order.

(e) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered.* That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18416; Filed, November 15, 1943;  
11:53 a. m.]

[Corrected S. O. 182-A]

#### PART 95—CAR SERVICE

##### ACCEPTANCE AND MOVEMENT OF ANTHRACITE COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of November, A. D. 1943.

Upon further consideration of the provisions of Corrected Service Order No. 162<sup>1</sup> of October 29, 1943, and good cause appearing therefor, *It is ordered*, That:

Section 95.37 *Acceptance and movement of anthracite coal* of Corrected Service Order No. 162 of October 29, 1943, is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered.* That this order shall become effective at 12:01 p. m., November 1, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18417; Filed, November 15, 1943;  
11:53 a. m.]

#### Notices

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

##### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the dates specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations

and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

##### NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

John F. Burns, Printer, 113 South Cherry Street, Olathe, Kansas; job printing; 2 learners (T); bindery worker for a learning period of 480 hours at 30 cents an hour for the first 320 hours and 35 cents for the next 160 hours, pressman for a learning period of 480 hours at 30 cents an hour; effective November 11, 1943, expiring May 11, 1944.

The Churchill Weavers, Berea, Kentucky; hand weaving; 15 learners (T); hand weaving for a learning period of 320 hours at 30 cents an hour; effective November 15, 1943, expiring November 15, 1944.

Hall Swindle Broom and Mop Company, 822 Cherokee Avenue, Nashville, Tennessee; brooms and mops; 4 learners (T); corn sorter and mop comber for a learning period of 160 hours at 30 cents an hour; effective November 15, 1943, expiring January 24, 1944.

The O-C Manufacturing Company, 5 Center Avenue, Little Falls, New Jersey; athletic supporters, camouflage nets; 2 learners (T); sewing machine operators for a learning period of 240 hours at 35 cents an hour; effective November 12, 1943, expiring May 12, 1944.

The Williston-Herald Company, 18 West Fourth Street, Williston, North Dakota; printing and publishing; 2 learners (T); linotype operator and pressman for a learning period of 480 hours at 30 cents an hour; effective November 11, 1943, expiring May 11, 1944.

Signed at New York, N. Y., this 13th day of November 1943.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-18390; Filed, November 15, 1943;  
11:07 a. m.]

#### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order, September 20, 1940 (5 F.R. 3748) and

## FEDERAL REGISTER, Tuesday, November 16, 1943

as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

**NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES**

**APPAREL INDUSTRY**

Alabama Textile Products Corporation, Crestview, Florida; government cotton shorts; 50 learners (E); effective November 12, 1943, expiring May 11, 1944.

**SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY**

Alabama Textile Products Corporation, River Falls Street, Andalusia, Alabama; men's shirts and cotton shorts; 10 percent (T); effective November 10, 1943, expiring November 9, 1944.

Altoona Factories, 1715 11 Avenue, Altoona, Pennsylvania; army jackets; 10 percent (T); effective November 10, 1943, expiring November 9, 1944.

Berwick Shirt Company, 10th and Pine Streets, Berwick, Pennsylvania; men's dress and sport shirts, men's shorts, army regulation shirts for post exchange; 10 learners (T); effective November 13, 1943, expiring November 12, 1944.

Casey Jones, Inc., Denton, Maryland; denim work clothing; 10 learners (T); effective November 17, 1943, expiring November 16, 1944.

Cavalier Garment Corporation, 111-115 Main Street, Evansville, Indiana; army slacks, work and semi-dress trousers; 10 percent (T); effective November 10, 1943, expiring November 9, 1944.

D. Coopersmith, Milford, Delaware; ladies' cotton dresses and nightgowns; 5 learners (T); effective November 13, 1943, expiring November 12, 1944.

Croyden Manufacturing Company, Peabody and Hall Streets, Staunton, Virginia; men's and women's sleeping garments and pajamas; 40 learners (E); effective November 12, 1943, expiring May 11, 1944.

Emaus Shirt Company, Inc., Keystone Avenue and Ridge Street, Emaus, Pennsylvania; pajamas; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Emaus Shirt Company, Inc., Moyer and Elm Streets, Emaus, Pennsylvania; shirts; 10 per-

cent (T); effective November 12, 1943, expiring November 11, 1944.

Gem Garment Company, South Cedar Lane, Greencastle, Pennsylvania; ladies' cotton house dresses; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Georgia Shirt Company, Cornelia, Georgia; shirts; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Greenberg Clothing Company, Inc., 1010 Georgia Avenue, Chattanooga, Tennessee; men's and boys' pants, boys' jackets; 10 learners (T); effective November 13, 1943, expiring November 12, 1944.

The Hercules Trouser Company, Manchester, Ohio; men's and boys' single pants; 10 percent (AT); effective November 13, 1943, expiring May 12, 1944.

Highland Art Embroidery Company, 5315 Butler Street, Pittsburgh, Pennsylvania; art needlework, aprons, shoulder garment covers; 2 learners (T); effective November 12, 1943, expiring November 11, 1944.

Huntington Manufacturing Company, 5218 Wentworth Avenue, Chicago, Illinois; cotton wash dresses, army jackets and one-piece suits; 10 percent (T); effective November 9, 1943, expiring November 8, 1944.

H. Kassoway & Son, 29 North Sixth Street, Philadelphia, Pennsylvania; ladies' cotton hooverettes; 2 learners (T); effective November 10, 1943, expiring November 9, 1944.

Klever Klad Frocks, Inc., 130 Chestnut Street East, Coatesville, Pennsylvania; cotton dresses, suits and housecoats; 10 percent (AT); effective November 8, 1943, expiring April 8, 1944.

Leather Sportswear, Inc., 315 Centre Street, Jamaica Plain, Massachusetts; leather work clothing; 4 learners (T); effective November 13, 1943, expiring November 12, 1944.

S. Liebovitz & Sons, Inc., Leola, Pennsylvania; men's shirts, cotton and rayon; 10 learners (T); effective November 13, 1943, expiring November 12, 1944.

Charles Meyers and Company, First and Harrison Streets, Belleville, Illinois; men's trousers; 10 percent (T); effective November 9, 1943, expiring November 8, 1944.

Monte Manufacturing Company, 903 East St. Louis Street, West Frankfort, Illinois; work clothing, washable service apparel; 50 learners (E); effective November 10, 1943, expiring May 9, 1944.

Benjamin Noble, 919 Walnut Street, Philadelphia, Pennsylvania; ladies' dresses; 5 learners (T); effective November 10, 1943, expiring November 9, 1944.

The NuBone Company, 25 and Ash Streets, Erie, Pennsylvania; surgical and health supporting garments; 10 learners (T); effective November 10, 1943, expiring November 9, 1944.

St. Clair Garment Company, 201-207 South Morris Street, St. Clair, Pennsylvania; dresses; 25 learners (E); effective November 16, 1943, expiring May 15, 1944.

Charles T. Taylor Shirt Factory, Beaverstown, Pennsylvania; men's shirts; 10 learners (T); effective November 9, 1943, expiring November 8, 1944.

Scranton Garment Manufacturing Company, Inc., 315 Cherry Street, Scranton, Pennsylvania; U. S. Army field jackets, mackinaws, fingertips; 10 percent (T); effective November 13, 1943, expiring November 12, 1944.

Silver Trouser Manufacturing Company, 1405 East Columbus Drive, Indiana Harbor, Indiana; trousers, army and civilian; 10 percent (T); effective November 9, 1943, expiring November 8, 1944.

Boris Smoler and Sons, 3021 North Crawford Avenue, Chicago, Illinois; dresses, smocks, house coats; 10 percent (T); effective November 10, 1943, expiring November 9, 1944.

Stamco Uniforms, Inc., Rutledge, Georgia; work pants, 50 learners (E); effective November 8, 1943, expiring May 7, 1944.

Tex-Son, Inc., 3021 West Martin Street, San Antonio, Texas; boys' sportswear, children's cotton garments; 15 learners (AT); effective November 8, 1943, expiring May 7, 1944.

Wachusett Shirt Company, Water Street, Leominster, Massachusetts; shirts, robes, pajamas; 10 percent (T); effective November 10, 1943, expiring November 9, 1944.

Watson Shirt Company, Barclay Street, Salisbury, Maryland; shirts; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Israel Weiss Company, 1515 North Seventh Street, Philadelphia, Pennsylvania; aprons; 3 learners (T); effective November 12, 1943, expiring November 11, 1944.

Wildman Manufacturing Company, 905 Washington Avenue, St. Louis, Missouri; dresses; 7 learners (T); effective November 13, 1943, expiring November 12, 1944.

**GLOVE INDUSTRY**

Fabry Glove Company, 1232 East Walnut Street, Green Bay, Wisconsin; work gloves; 3 learners (T); effective November 9, 1943, expiring November 8, 1944.

**HOSEY INDUSTRY**

Alabama Hosiery Mills, Inc., Sixth Avenue, Eleventh Street; Decatur, Alabama; full-fashioned hosiery; 37 learners (AT); effective November 20, 1943, expiring May 19, 1944.

Archer Hosiery Mills, Talbotton Avenue, Columbus, Georgia; full-fashioned hosiery; 10 percent (AT); effective November 13, 1943, expiring May 12, 1944.

Bisher Hosiery Mill, Denton, North Carolina; seamless hosiery; 15 learners (AT); effective November 13, 1943, expiring May 12, 1944.

Brown Brothers Hosiery Mills, 1208 Second Street, Hickory, North Carolina; seamless hosiery; 10 percent (AT); effective November 13, 1943, expiring May 12, 1944.

Bryan Hosiery Mill, Inc., 3319 Long Street, Chattanooga, Tennessee; full-fashioned hosiery; 5 percent (T); effective November 9, 1943, expiring November 8, 1944.

Sox, Incorporated, Mount Gilead, North Carolina; seamless hosiery; 15 learners (E); effective November 10, 1943, expiring May 9, 1944.

Tennessee Knitting Mills, Inc., Pulaski Highway, Columbia, Tennessee; full-fashioned hosiery; 5 percent (T); effective November 9, 1943, expiring November 8, 1944.

Walker County Hosiery Mills, LaFayette, Georgia; seamless hosiery; 10 percent (AT); effective November 13, 1943, expiring May 12, 1944.

**KNITWEAR INDUSTRY**

Ilena Mills, Inc., Manufacturers' Road, Chattanooga, Tennessee; knitted underwear; 15 learners (AT); effective November 12, 1943, expiring May 11, 1944.

**TEXTILE INDUSTRY**

Duplan Silk Corporation, Ely Street, Kings-ton, Pennsylvania; textiles; 10 percent (AT); effective November 20, 1943, expiring May 19, 1944.

Duplan Silk Corporation, Grottoes, Virginia; textiles; 10 percent (AT); effective November 20, 1943, expiring May 19, 1944.

Edinburgh Cotton Mills, Raeford, North Carolina; cotton yarns; 3 percent (T); effective November 10, 1943, expiring November 9, 1944.

Kanmak Mills, Inc., Chestnut Street, Kulp-mont, Pennsylvania; rayon and cotton cloth, narrow fabrics; 6 percent (AT); effective November 12, 1943, expiring May 11, 1944.

Signed at New York, N. Y., this 13th day of November 1943.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-18391; Filed, November 15, 1943;  
11:07 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-505]

MANUFACTURERS GAS COMPANY  
NOTICE OF FILING OF APPLICATION

NOVEMBER 13, 1943.

Notice is hereby given that on November 11, 1943, Manufacturers Gas Company, 800 Union Trust Building, Pittsburgh, Pennsylvania, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, for authority to maintain a pipe line connection on its pipe line system at the Pennsylvania-New York State line, and for authority to institute a service and sale of natural gas at the said connection to the Keystone Gas Company, Inc.; the said pipe line connection is proposed to be located at a point 1,337 feet north of Tuna Cross Roads, Foster Township, McKean County, Pennsylvania; the natural gas proposed to be sold to the said Keystone Gas Company, Inc. is for resale by that company for public consumption in the Village of Limestone and the Town of Carrollton in New York State.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 30th day of November, 1943, file with the Federal Power Commission a petition or protest in accordance with the Rules of Practice and Regulations of the Commission.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.[F. R. Doc. 43-18399; Filed, November 15, 1943;  
11:22 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[S. O. 164, Gen. Permit 1]

## COMMON CARRIERS BY RAILROAD

## ICING OR REICING OF FRUITS AND VEGETABLES

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with a mixed shipment of citrus fruit and vegetables originating at any point or points in the States of Arizona, California, Florida or Texas, *Provided*, That the citrus fruit in the car comprises not more than fifty (50) percent of the lading by weight, and further provided that the waybills shall show reference to this general permit.

This permit shall become effective at 12:01 a. m., November 12, 1943.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this general permit shall be given to

the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 11th day of November 1943.

HOMER C. KING,  
Director, Bureau of Service.[F. R. Doc. 43-18318; Filed, November 13, 1943;  
11:17 a. m.]

[S. O. 164, Gen. Permit 2]

## COMMON CARRIERS BY RAILROADS

## ICING OR REICING OF FRUITS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with Valencia Oranges only, originating at any point or points south of Tehachapi Summit, including Ventura and Santa Barbara counties, in the State of California, provided the waybills show reference to this general permit.

This permit shall become effective at 12:01 a. m., November 13, 1943, and it shall expire at 12:01 a. m. January 1, 1944.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this general permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of November 1943.

HOMER C. KING,  
Director, Bureau of Service.[F. R. Doc. 43-18418; Filed, November 15, 1943;  
11:58 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 53, Amendment]

HARA AND CO.

Vesting Order Number 53, dated July 22, 1942, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hara and Company, whose principal place of business is in Yokohama, Japan, is a partnership organized under the laws of Japan, composed of Ryozaibura Hara, Tasaburo Hara, Takeo Saigo, Kenichiro Saigo and Sue Hara, and is a national of a designated enemy country (Japan);

2. That Ryozaibura Hara, Tasaburo Hara, Takeo Saigo, Kenichiro Saigo and Sue Hara, whose last known addresses are Yokohama,

Japan, are nationals of a designated enemy country (Japan);

3. That Hara and Company has an established agency or branch office at New York, New York, which is engaged in the conduct of business within the United States and is a business enterprise within the United States; and determining:

4. That the branch office of Hara and Company, New York, New York, is owned and controlled by Hara and Company of Yokohama, Japan, and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, the branch office of Hara and Company, New York, New York, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.[F. R. Doc. 43-18386; Filed, November 15, 1943;  
11:02 a. m.]

## FEDERAL REGISTER, Tuesday, November 16, 1943

[Vesting Order 1089, Amendment]

JOSEPH AND EMMA ROHMER

In re: Real and personal property owned by Joseph Rohmer and Emma Rohmer.

Vesting Order Number 1089, dated March 22, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of both Joseph Rohmer and Emma Rohmer, his wife, is 19 Ekkebertstr., Littenweiler, Freiburg, Baden, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Joseph Rohmer and Emma Rohmer, his wife, are the owners of the property described in subparagraph 4-a hereof;

3. That Joseph Rohmer is the owner of the property described in subparagraphs 4-b to 4-d inclusive, hereof;

4. That the property described as follows:

a. Real property situated in the Borough and County of Queens, State of New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. An undivided one-half interest in the real property situated in the Borough of Brooklyn, County of Kings, State of New York, particularly described in Exhibit B attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. All right, title, interest, estate and claim of any name or nature whatsoever, contingent or otherwise and whether or not matured, of Joseph Rohmer in and to any and all obligations secured by certain tax liens, evidenced by tax liens certificates Nos. 61714, 61715 and 61716, on the lot and improvements owned by Joseph Rohmer and Oscar Jacobs, situated in the Borough of Brooklyn, County of Kings, State of New York, which lot is particularly described in said Exhibit B, including but not limited to any and all collateral (including the aforesaid tax liens) for any or all such obligations and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of any name or nature whatsoever in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Joseph Rohmer by, and represented on the books of, Richter and Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, as a credit balance due Joseph Rohmer, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 5-c and 5-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 5-a and 5-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraphs 5-a and 5-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraphs 5-c and 5-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of the property described in subparagraph 5-b hereof, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to limit the power of the Alien Property Custodian to vary the extent of, or terminate, such direction, management, supervision or control, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 9, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that lot or parcel of land situated, lying or being in the Fourth Ward, Borough and County of Queens, City and State of New York, described as follows:

Beginning at a point on the easterly side of 200th Street, distant Two hundred eighteen and  $\frac{1}{10}$  (218.5) feet southerly from the corner formed by the intersection of the easterly side of 200th Street, with the southerly side of 113th Avenue, running thence easterly at right angles to 200th Street, One hundred (100) feet; thence southerly paral-

lel with 200th Street, Thirty-one (31) feet; running thence westerly at right angles to 200th Street One Hundred (100) feet; to the easterly side of 200th Street, and thence northerly along the easterly side of 200th Street, Thirty-one (31) feet; to the point or place of beginning.

Together with all the right, title and interest of the party of the first part of, in and to the land lying in the bed of 200th Street in front of an adjoining said premises to the centre line thereof.

## EXHIBIT B

All that lot or parcel of land situated, lying or being in the Borough of Brooklyn, County of Kings, City and State of New York, described as follows:

Beginning at a point on the southerly side of Douglas Street distant 114' 8" westerly from the corner formed by the intersection of the southerly side of Douglas Street with the westerly line of Hoyt Street, running thence southerly and parallel with Hoyt Street and partly through a party wall there standing 70 feet; thence, westerly 45 feet; thence, northwesterly parallel with Hoyt Street, partly through a party wall there standing 70 feet to the southerly side of Douglas Street, thence, easterly along the southerly side of Douglas Street 45 feet to the point or place of beginning.

NOTE: "Douglas" Street and "Douglass" Street are the same.

[F. R. Doc. 43-18387; Filed, November 15, 1943; 11:01 a. m.]

[Vesting Order 1142, Amendment]

JOHN SPIZUOCO

In re: Real property in Brooklyn, New York owned by John Spizuoco.

Vesting Order Number 1142, dated March 25, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of John Spizuoco, also known as Giovanni Spizuoco, is Corso Tommaso Vitale, Nola, Napoli, Italy, and that he is a resident and subject of Italy and a national of a designated enemy country (Italy);

2. That John Spizuoco, also known as Giovanni Spizuoco, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

Real property situated in the Borough of Brooklyn, County of Kings, City and State of New York, known as 360 Leonard Street, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 9, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements erected thereon, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, and bounded and described as follows, to wit:

Beginning at a point on the easterly side of Leonard Street distant 20 feet southerly from the corner formed by the intersection of the easterly side of Leonard Street with the southerly side of Withers Street; running thence easterly and parallel with Withers Street and part of the distance through a party wall 55 feet 6 inches; running thence southerly and parallel with Leonard Street 20 feet; thence running westerly and again parallel with Withers Street 55 feet 6 inches to the easterly side of Leonard Street; running thence northerly along the easterly side of Leonard Street 20 feet to the point or place of beginning.

[F. R. Doc. 43-18388; Filed, November 15, 1943;  
11:02 a. m.]

[Vesting Order 1231, as Amended,  
Amendment]

ANNA BORCHERS

In re: Real property, mortgage and claims owned by Anna Borchers.

Vesting Order Number 1231, dated April 10, 1943, as amended, is hereby further amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Anna Borchers is 18 Elchstrasse, Hanover, Germany, and that she is a citizen and resident of Germany and a national of a designated enemy country (Germany);

2. That Anna Borchers is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Brooklyn, County of Kings, City and State of New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. A certain mortgage executed by the H. K. S. Building Corporation, as mortgagor, on September 10, 1925 in favor of Anna Borchers, as mortgagee, and recorded in the Register's Office of Kings County, New York, on September 14, 1925 in Liber 6153 of Mortgages, page 390, and any and all obligations secured by said mortgage, including but not limited to any and all collateral (including the aforesaid mortgage) for any and all of such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds, or other instruments evidencing such obligations, and

c. All right, title, interest and claim of Anna Borchers in and to that certain bank account with the National City Bank of New York, New York, which account is due and owing to, and held for Anna Borchers in the name of "Davis and Quat, Special Account," including but not limited to any and all security rights in and to any and all collateral for all or part of such account and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested to be held, used, administered, liquidated or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien

Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that lot or parcel of land lying or being in the Borough of Brooklyn, County of Kings, State of New York, described as follows:

Beginning at a point on the Northerly side of Eighty-fourth Street distant two hundred and forty feet easterly from the corner formed by the intersection of the northerly side of Eighty-fourth Street with the easterly side of Thirteenth Avenue; running thence northerly parallel with Thirteenth Avenue one hundred feet; thence easterly parallel with Eighty-fourth Street twenty feet, thence southerly again parallel with Thirteenth Avenue and part of the distance through a party wall one hundred feet to the northerly side of Eighty-fourth Street, and thence westerly along the northerly side of Eighty-fourth Street twenty feet to the point or place of beginning. Also all the right, title and interest of the mortgagor, of, in and to Eighty-fourth Street, lying in front of and adjoining said premises to the centre line thereof. Together with the rights and subject to any burdens of easements of record and subject to any state of facts an accurate survey might show.

[F. R. Doc. 43-18393; Filed, November 15, 1943;  
11:02 a. m.]

[Vesting Order 1336, Amendment]

PASQUALE I. SIMONELLI

In re: Real and personal property owned by Pasquale I. Simonelli.

Vesting Order Number 1336, dated April 27, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Pasquale I. Simonelli is Via Castelmuro, delle Lanz 1, S. Paola Belsito, Naples, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

## FEDERAL REGISTER, Tuesday, November 16, 1943

2. That Pasquale I. Simonelli is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Manhattan, City, County, and State of New York particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Pasquale I. Simonelli in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Pasquale I. Simonelli by:

(i) East River Savings Bank, 60 Spring Street, New York, New York, and represented on the books of said bank as "Expenses Payable", and

(ii) Corn Exchange Trust Company, 525 Broadway, New York, New York, including particularly a bank account held for, and in the name of, Pasquale I. Simonelli at said bank,

including but not limited to any and all security rights in and to any and all collateral for any and all of such obligations and the right to enforce and collect such obligations.

d. The shares of stock, particularly described in Exhibit B, attached hereto and by reference made a part hereof, held for Pasquale I. Simonelli by John G. Stewart & Co., 1 Wall Street, New York, New York, and

d. All right, title, interest and claim of Pasquale I. Simonelli in and to:

(i) A life insurance policy No. 1627262, issued by The Travelers Insurance Company, 700 Main Street, Hartford, Connecticut.

(ii) A life insurance policy No. 4 586,630, issued by the New York Life Insurance Company, 51 Madison Avenue, New York, New York,

(iii) A life insurance policy No. 1641 477 A, issued by the Metropolitan Life Insurance Company, 1 Madison Avenue, New York, New York.

(iv) Life Insurance policies Nos. 1714,690; 2713,870; 2899,280 and 2901,183, issued by the Equitable Life Assurance Society of the United States, 393 Seventh Avenue, New York, New York.

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-b, 3-c and 3-d hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy).

And having made all determinations and taken all action after appropriate consultation and certification required by law, and deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b, 3-c and 3-d hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 2 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

All that certain lot, piece or parcel of land situate, lying and being in the Borough of Manhattan, City, County and State of New York bounded and described as follows:

Beginning at a point on the southerly side of 89th Street distant 325 feet westerly from the corner formed by the intersection of the southerly side of 89th Street with the westerly side of West End Avenue, running thence westerly along the southerly side of 89th Street 20 feet to a point in the middle of a party wall, thence southerly parallel with West End Avenue and part of the way through the middle of said party wall 100 feet 8½ inches to the middle line of the block; thence easterly along said line 20 feet; thence northerly parallel with West End Avenue 100 feet 8½ inches to the southerly side of 89th Street at the point or place of beginning.

## EXHIBIT B

50 shares Adams Express.  
5 shares Blair & Co.  
1 share Commonwealth & Southern.  
10 shares International Products.  
1 share National City Bank.  
10 shares New York Title & Mortgage.  
46 shares Transamerica Corp.  
11 shares Cities Service.  
10 shares National Dairy Products.  
6 shares Niagara Hudson Power.  
45 shares United Corporation.

[F. R. Doc. 43-18394: Filed, November 15, 1943;  
11:02 a. m.]

## [Vesting Order 2150, Amendment]

JOHANN A. G. NOACK

Whereas pursuant to Vesting Order Number 2150 of September 7, 1943, the undersigned purported to vest all right, title, interest and claim of any kind or

character whatsoever of "Hans Hager" and "Erhard Hager" in and to the Estate of Johann A. G. Noack, deceased; and

Whereas through clerical error the names "Hans Hager" and "Erhard Hager" appear in such Vesting Order as "Hans Noack" and "Erhard Noack";

Now, therefore, Vesting Order Number 2150 is hereby amended by substituting the names "Hans Hager" for "Hans Noack" and "Erhard Hager" for "Erhard Noack" in such Vesting Order.

All other provisions of said Vesting Order Number 2150 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18395: Filed, November 15, 1943;  
11:02 a. m.]

## [Vesting Order 2171]

LA SOCIETE DES AUTEURS, COMPOSITEURS, ET EDITEURS DE MUSIQUE (SACEM)

In re: Certain right under copyrights in which interests are held by La Societe des Auteurs, Compositeurs, et Editeurs de Musique (SACEM), and members thereof.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that La Societe des Auteurs, Compositeurs, et Editeurs de Musique (SACEM) is an organization organized under the laws of France and has its principal place of business in Paris, France, and is therefore a national of a foreign country (France);

2. Finding that the members of La Societe des Auteurs, Compositeurs, et Editeurs de Musique (SACEM), and each of them, are residents of France, and are nationals of a foreign country (France);

3. Finding that the property described in subparagraph 4 hereof is the property of La Societe des Auteurs, Compositeurs, et Editeurs de Musique (SACEM) and/or of the members thereof;

4. Finding that the property described as follows:

All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of La Societe des Auteurs, Compositeurs, et Editeurs de Musique (SACEM) and/or each and every member thereof in, to, and under the following:

a. Every right under copyright; claim of copyright or right to copyright in and for the public performance for profit of symphonic musical compositions (including, but not by way of limitation, all rights generally designated as "symphonic rights") in which such rights are held by La Societe des Auteurs, Compositeurs, et Editeurs de Musique (SACEM) and/or each and every member thereof,

b. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing; excepting the rights of any person to renew any or all of the Copyrights arising in, from or under any or all of the foregoing,

c. All monies and amounts, and all right to receive monies and amounts, by way of

royalty, share or profits or other emoluments, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing.

d. All rights of reversion or reverting, if any, in any or all of the foregoing.

e. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing,

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of foreign countries;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 9, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18360; Filed, November 15, 1943;  
11:02 a. m.]

1. That of the total issued and outstanding capital stock of Empire State Properties & Trading Corporation, a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 10,000 shares of common having a par value of \$65.00 each, all registered in the name of "Voting Trustees under Trust Agreement dated Dec. 1, 1936" (Albrecht Pagents-tcher, III, and Horst von Hennig), 5000 shares (50%) are beneficially owned by the persons listed below in the number appearing opposite each name and are evidence of control of said business enterprise:

Name and Number of Shares
Oscar von Wedekind..... 2,500
Julia von Knorr..... 2,500

Total..... 5,000

2. That Oscar von Wedekind and Julia von Knorr, whose last known addresses are Berlin, Germany, are nationals of a designated enemy country (Germany);

and determining:

3. That Empire State Properties & Trading Corporation is controlled by Oscar von Wedekind and Julia von Knorr, and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 5,000 shares of the \$65 per value common stock of Empire State Properties & Trading Corporation, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This Order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18361; Filed, November 15, 1943;  
11:00 a. m.]

[Vesting Order 2192]

HOH & HAHNE

In re: One camera and accessories owned by Hoh & Hahne.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hoh & Hahne is a business enterprise with its principal place of business at Leipzig W35, Germany, and is a national of a designated enemy country (Germany);

2. That Hoh & Hahne is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

One Hohlux Prisma Automat process camera bearing the following identifying marks: Spannung 220, Anschlu-Bwert 20A, Comm 12782, together with accessories, including one Zeiss Apo-Tessar f 1.9 lens and one Zeiss prism, now in the possession of H. H. Heinrich, Inc., 200 Varick Street, New York City, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein con-

[Vesting Order 2180]

EMPIRE STATE PROPERTIES & TRADING CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

tained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 13, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18362; Filed, November 15, 1943;  
11:00 a. m.]

[Vesting Order 2336, Amendment]

KENSABURO INUKAI

In re: Real property, bank account and claim owned by Kensaburo Inukai.

Vesting Order Number 2336, dated October 5, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Kensaburo Inukai is Japan and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Kensaburo Inukai is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Otero County, State of Colorado, particularly described as: The East Half of the Southeast Quarter (E $\frac{1}{2}$  SE $\frac{1}{4}$ ) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Twenty-six (26) Township Twenty-three (23) South of Range Fifty-six (56) West of the 6th P. M., together with any and all water rights thereunto belonging or in anywise appertaining and used in the irrigation thereof, including 100 shares of the capital stock of the Re-organized Catlin Consolidated Canal Company and 80 shares of the capital stock of The Timpano Creek Ditch Company, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Kensaburo Inukai in and to the sum of \$500 constituting a portion of a certain bank account in the Rocky Ford National Bank, Rocky Ford, Colorado, which is due and owing to and held for and in the name of K. Inukai, including but not limited to all security rights in and to any and all collateral for any and all such accounts or portions thereof, and the right to enforce and collect the same, and

c. All right, title, interest and claim of any name or nature whatsoever of Kensaburo Inukai in and to any and all obligations contingent or otherwise and whether or not matured, owing to Kensaburo Inukai by H. B. Mendenhall, Rocky Ford, Colorado, including but not limited to, all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and specifically any and all claims against H. B. Mendenhall arising out of the management of the property described in subparagraph 3-a hereof, and including certain uncashed United States Treasury checks totalling the sum of \$479.43 in the possession of H. B. Mendenhall,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 9, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18389; Filed, November 15, 1943;  
11:02 a. m.]

[Vesting Order 2349]

OCEAN LAND, INC.

Under the authority of the Trading with the Enemy Act, as amended and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Domenick Calandra, also known as Domenico Calandra, is Via Asmara 9, Rome, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That the total issued and outstanding capital stock of Ocean Land, Inc., a corporation organized and doing business under the laws of the state of New York, and a business enterprise within the United States, consists of 24 shares of no par value capital stock, evidenced by Certificates No. 11 and 12, identified as those certificates presently in the name of, and in the possession of, Alfonso Calandra, Little Falls, New Jersey, is beneficially owned by Domenick Calandra, also known as Domenico Calandra, and is evidence of ownership or control of Ocean Land, Inc.;

And determining that Ocean Land, Inc., is controlled by or acting for or on behalf of a designated enemy country (Italy), or a person within such country and is a national of a designated enemy country (Italy).

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States, and hereby undertakes the direction, management, supervision and control of the aforementioned business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, or vary the extent of, or terminate such direction, management, supervision or control, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18364; Filed, November 15, 1943;  
11:00 a. m.]

[Vesting Order 2352]

THE MORLAND COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That all the issued and outstanding capital stock of The Morland Company, a corporation organized under the laws of the State of Delaware and doing business in the State of New York, and a business enterprise within the United States, consisting of 1000 shares of no par value common, is registered in the name of and owned by Elizabeth S. von Rumohr and is evidence of ownership and control of said business enterprise;

2. That Elizabeth S. von Rumohr, whose last known address is Warnsdorf, Post Trave-munde, Germany, is a national of a designated enemy country (Germany);

and determining:

3. That The Morland Company is controlled by Elizabeth S. von Rumohr, and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 1000 shares of no par value common capital stock of The Morland Company hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of The Morland Company to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Prop-

erty Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 9, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18365; Filed, November 15, 1943;  
11:00 a. m.]

[Vesting Order 2383]

RIGHI AND ROSA FONTANA

In re: Interest in real property located in Seattle, Washington, contract of sale, and bank account owned by Righi Fontana and Rosa Fontana, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Righi Fontana and Rosa Fontana, his wife, is Massa de Solza Rosso Castel Nuova de Gaifognava, Province of Lucca, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Righi Fontana and Rosa Fontana, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows;

a. All right, title, interest and estate, both legal and equitable, of Righi Fontana and Rosa Fontana, his wife, in and to a certain land contract entered into between Carlo Fontana and Mary Fontana, husband and wife, and Righi Fontana and Rosa Fontana, his wife, by Carlo Fontana, their attorney in fact, as Vendors, and Joe Terrana and Vincenzina Terrana, his wife, as Vendees, dated February 10, 1943, wherein in consideration of certain payments, the Vendors are to convey title to certain real estate, in which contract Righi Fontana and Rosa Fontana, his wife, have a three-sevenths interest in the proceeds thereof, and

b. All right, title and interest both legal and equitable of Righi Fontana and Rosa Fontana, his wife, in and to an undivided one-half interest in real property covered by said contract, situated in Seattle, Washington, particularly described as the North 12½ feet of Lot 41 and all of Lot 42, Block 1, Norris Addition to West Seattle, according to plat thereof, recorded in Volume 14 of plats, at page 93, King County, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims of Righi Fontana and Rosa Fontana, his wife, for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and claim of Righi Fontana and Rosa Fontana, his wife, in and to a certain bank account in the National Bank of Commerce, Seattle, Washington, which is due and owing to, and held for and in the name of Righi Fontana and Rosa Fontana, his wife, including but not limited to all security rights in and to any and all collateral for any or all of such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-c above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a and 3-b above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order:

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

hereby vests in the Alien Property Custodian the property described in subparagraphs 3-a and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 11, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18366; Filed, November 15, 1943;  
11:00 a. m.]

[Vesting Order 2393]

DEUTSCHER HANDELS & WIRTSCHAFTSDIENST  
AND YORKVILLE KANZLEI

Under the authority of the Trading with the Enemy Act, as amended, and

## FEDERAL REGISTER, Tuesday, November 16, 1943

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, finding:

1. That Deutscher Handels & Wirtschaftsdienst is a co-partnership composed of Johann von Wimmersperg and Ernst O. Hopf, established and doing business under the laws of the State of New York, and is a business enterprise in the United States;

2. That Yorkville Kanzlei is a co-partnership composed of Johann von Wimmersperg and Ernst O. Hopf, established and doing business under the laws of the State of New York, and is a business enterprise in the United States;

3. That Johann von Wimmersperg (also known as Johann Freidherr von Wimmersperg & Toller), whose last known address is Germany, is a national of a designated enemy country (Germany);

4. That Ernst O. Hopf is a citizen of Germany, whose last known address is Mexico City, Mexico;

and determining:

5. That Ernst O. Hopf is acting for and on behalf of a designated enemy country (Germany) and is a national thereof;

6. That Deutscher Handels & Wirtschaftsdienst and Yorkville Kanzlei are, and each of them is, controlled by Johann von Wimmersperg and Ernst O. Hopf, and are nationals of a designated enemy country (Germany);

7. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the co-partnerships registered under the names of Deutscher Handels & Wirtschaftsdienst and Yorkville Kanzlei and all property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to such partnerships, and each of them, and any interest of any nature whatsoever in such partnerships held by Johann von Wimmersperg (also known as Johann Freidherr von Wimmersperg & Toller) and Ernst O. Hopf, and each of them, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of such business enterprises to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 12, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18367; Filed, November 15, 1943;  
11:00 a. m.]

[Vesting Order 2397, Amendment]

GEORGE TREIMER

In re: Estate of George Treimer, deceased; File D-28-6625; E. T. sec. 4870.

Vesting Order No. 2397 dated October 12, 1943, is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by Ben H. Brown, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany; namely,

National and Last Known Address

Johannes Riessen, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johannes Riessen, in and to the Estate of George Treimer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the

Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18396; Filed, November 15, 1943;  
11:03 a. m.]

[Vesting Order 2492]

EMIL SPIELVOGEL

In Re: Estate of Emil Spielvogel, deceased; File No. D-28-1964; ET sec. 2018.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Rudolf Lesch, Executor, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Elly Dr. E. Schimeczek also known as Aurelie Schimeczek, Sudetenland, Germany.

Mrs. Lilli Kunz also known as Karoline Kunz, Sudetenland, Germany.

Viktor Kunz, Sudetenland, Germany.

Mrs. Hilda Fronczek also known as Hilda Fronczek, Sudetenland, Germany.

Mrs. Dr. Hans V. Jutrenka also known as Hilda Jutrenka, Sudetenland, Germany.

Mary Fried, Sudetenland, Germany.

Marga Dietrich, Germany.

Rosa Becker, Schoenberg, Czechoslovakia.

Hedwig Schindler, Ostrau, Czechoslovakia.

And determining that—

(3) Rosa Becker and Hedwig Schindler, citizens or subjects of a designated enemy country, Germany, and within an enemy-occupied country, Czechoslovakia, are nationals of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Ely Dr. E. Schimeczek also known as Aurelie Schimeczek, Mrs. Lilli Kunz also known as Karoline Kunz, Viktor Kunz, Mrs. Hilda Fronczek also known as Hilda Fraczek, Mrs. Dr. Hans V. Jutrzenka also known as Hilda Jutrzenka, Mary Fried, Marga Dietrich, Rosa Becker and Hedwig Schindler, and each of them, in and to the Estate of Emil Spielvogel, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: October 26, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18368; Filed, November 15, 1943;  
11:01 a. m.]

[Vesting Order 2519]

LOUISE FAHRBACH

In re: Estate of Louise Fahrbach, deceased; File D-28-3922; E. T. sec. 6780.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Mary Link, Administratrix, acting under the judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Fritz Fahrbach, Germany.  
Karl Fahrbach, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the na-

tional interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Fritz Fahrbach and Karl Fahrbach, and each of them, in and to the estate of Louise Fahrbach, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18373; Filed, November 15, 1943;  
11:03 a. m.]

[Vesting Order 2520]

MARIA C. FALASCO

In re: Estate of Maria C. Falasco, deceased; File D-38-2738; E. T. sec. 7616.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by C. Albert Parker, Executor, acting under the judicial supervision of the District Court of the United States, District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Louisa Falasco, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash in the sum of \$400 distributable and payable to Louisa Falasco, in the possession of C. Albert Parker, executor,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18374; Filed, November 15, 1943;  
11:03 a. m.]

[Vesting Order 2521]

HENRY FROETSCHNER

In re: Estate of Henry Froetschner, deceased; File D-28-3736; E. T. sec. 6306.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert A. Evans, Executor, 807 State Street, Larned, Kansas, acting under the judicial supervision of the Probate Court of Pawnee County, State of Kansas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Alma Schuhman, Germany.  
 Alma Minna Brehme, Germany.  
 Martha Lena Brehme, Germany.  
 Otto Herman Brehme, Germany.  
 Ida Bertha Brehme, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Alma Schuhman in the sum of \$400.00, Alma Minna Brehme in the sum of \$100.00, Martha Lena Brehme in the sum of \$100.00, Otto Herman Brehme in the sum of \$100.00, and Ida Bertha Brehme in the sum of \$100.00,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18385; Filed, November 15, 1943;  
 11:03 a. m.]

[Vesting Order 2522]

MATTEO GIARDINO

In re: Guardianship of the estate of Matteo Giardino, also known as Matt Sarbian, deceased; File D-66-445; E. T. sec. 3195.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Butler Savings and Trust Company, Guardian, acting under the judicial supervision of the Court of Common Pleas of Butler County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

*Nationals and Last Known Address*

Pietro Giardino, Italy.

Natale Fandale, Italy.

Executor, Administrator, next of kin and heirs at law, names unknown, of Matteo Giardino, also known as Matt Sarbian, deceased, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the National interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

\$1,250.00 representing an interest in a Mortgage Participation Investment Account distributable and payable to Pietro Giardino, Natale Fandale, Executor, Administrator, next of kin and heirs at law, names unknown, of Matteo Giardino, also known as Matt Sarbian, deceased, in the possession of the Butler Savings and Trust Company, Guardian, with all interest and earnings accrued thereon,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18375; Filed, November 15, 1943;  
 11:03 a. m.]

[Vesting Order 2523]

FREDERICK A. GRIESEL

In re: Estate of Frederick A. Griesel, deceased; File D-66-1106; E. T. sec. 7468.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by John C. Bambenek, Treasurer of Winona County, Court House, Winona, Minnesota, Depositary, acting under the judicial supervision of the Probate Court of the State of Minnesota, in and for the County of Winona;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Emma Guertler, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of \$2,468.94 which is in the possession and custody of John C. Bambenek, Treasurer of Winona County, Minnesota, depositary, pursuant to order entered December 31, 1941, by the Probate Court of Winona County, Minnesota, in the matter of the estate of Frederick A. Griesel, deceased, Case #10,360,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18376; Filed, November 15, 1943;  
11:03 a. m.]

[Vesting Order 2524]

**INTEGRITY TRUST CO.**

In re: Liquidation of Integrity Trust Company; File F-28-14585; E. T. sec. 1263.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Secretary of Banking, Receiver, acting under the judicial supervision of the Court of Common Pleas, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Gunda Gesswein, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash in the sum of \$156.81 distributable and payable to Gunda Gesswein, in the possession of the Secretary of Banking, Commonwealth of Pennsylvania, Receiver, together with all interest and earnings accrued thereon,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18377; Filed, November 15, 1943;  
11:03 a. m.]

[Vesting Order 2525]

**PAULINE KUCHVARA**

In re: Estate of Pauline Kuchvara or Pauline Moltschan or Pauline Kucswara, deceased; File D-57-61; E. T. sec. 2082.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described or property which is in the process of administration by John M. Huston, Register of Wills, acting under the judicial supervision of the Orphans Court, Pittsburgh, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a political subdivision of a designated enemy country, Rumania, namely, Village of Recita, Rumania.

Having made all determination and taken all action, after appropriation consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to the Village of Recita, Rumania, in the sum of \$223.74, which amount was deposited in an escrow bank account pursuant to order of the Orphans Court of Allegheny County, Pennsylvania,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18378; Filed, November 15, 1943;  
11:04 a. m.]

[Vesting Order 2526]

**MORRIS LITTMAN**

In re: Trusts under the Will of Morris Littman, deceased; File No. D-28-2538; E. T. sec. 4394.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the United States Trust Company of New York, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Nathalie Littman, and her issue whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Nathalie Littman and her issue whose names are unknown, and each of them, in and to the trusts created under the Will of Morris Littman, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all the proceeds thereof shall be held in a special appropriate account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country", as used herein, shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18379; Filed, November 15, 1943;  
11:04 a. m.]

## FEDERAL REGISTER, Tuesday, November 16, 1943

[Vesting Order 2527]

## ADOLF POLS

In re: Estate of Adolf Pols, deceased; File D-28-1442; E. T. sec. 102.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Elizabeth Trust Company, Executor, acting under the judicial supervision of the Union Company Orphans' Court of Union County, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

## Nationals and Last Known Address

Martha Pols, Germany.  
Elizabeth Wachtendorf, Germany.  
Gerhard, son of Anna Hussman, whose marriage name is unknown, Germany.

Henry, son of Anna Hussman, whose marriage name is unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Pols, Elizabeth Wachtendorf, Gerhard, son of Anna Hussman, whose marriage name is unknown, and Henry, son of Anna Hussman, whose marriage name is unknown, and each of them, in and to the Estate of Adolf Pols, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18380; Filed, November 15, 1943;  
11:04 a. m.]

[Vesting Order 2528]

## JAMES RAGGI

In re: Trust created under the will of James Raggi, also known as Giacomo Raggi, also known as J. Raggi, also known as G. Raggi, deceased; File D-38-1159; E. T. sec. 4177.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Bank of America National Trust & Savings Association, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

## Nationals and Last Known Address

Maria Raggi Simone, Italy.  
Giovanni Raggi, or his surviving issue, Italy.  
Columba Raggi, or her surviving issue, Italy.

Bianca Focacci, or her surviving issue, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Maria Raggi Simone, Giovanni Raggi, or his surviving issue, Columba Raggi, or her surviving issue, and Bianca Focacci, or her surviving issue, and each of them, in and to the Trust created under the will of James Raggi, also known as Giacomo Raggi, also known as J. Raggi, also known as G. Raggi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such

property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18381; Filed, November 15, 1943;  
11:04 a. m.]

[Vesting Order 2529]

## RAFFEALA VIGLIOTTI

In re: Estate of Raffeala Vigliotti, deceased; File No. D-38-477; E. T. sec. 5471.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Treasurer of the County of Orange, City of Newburgh, New York, depositary of the estate of Raffeala Vigliotti, deceased, acting under the judicial supervision of the Surrogate's Court of the County of Orange, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

## National and Last Known Address

Frank Cascagno, Santa Maria, Avico, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Frank Cascagno in and to the Estate of Raffeala Vigliotti, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing therein, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18382; Filed, November 15, 1943;  
11:04 a. m.]

[Vesting Order 2530]

FRANK X. WALLISER

In re: Trust under the will of Frank X. Walliser, deceased; File D-66-630; E. T. sec. 3800.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a political subdivision of a designated enemy country, Germany, namely, Town Council of Riegel, Germany.

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of the Town Council of Riegel, Germany, in and to the trust created under the will of Frank X. Walliser, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18383; Filed, November 15, 1943;  
11:04 a. m.]

[Vesting Order 2531]

PAUL C. WETTER, ET AL.

In re: Paul C. Wetter vs. Meinhardt Wetter, et al.; File D-28-1542; E. T. sec. 285.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lewis E. Marine, 1105 Odd Fellow Building, Indianapolis, Indiana, Commissioner to Sell Real Estate; Charles R. Ettinger, Clerk of the Marion County Probate Court, Depositary, acting under the judicial supervision of the Probate Court of the State of Indiana, in and for the County of Marion;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Willy Steinebach, Germany.  
Margarete Franzheim, Germany.  
Henny Berendes, Germany.  
Elizabeth Rosenthal, Germany.  
Josefine Wetter, Germany.  
Hilde Fahrtnmann, Germany.  
Anneliese Wetter, Germany.  
Hugo Wetter, Germany.

Person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Albert Wetter, Otto Wetter and Wilhelm Steinebach, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash in the hands of Charles R. Ettinger, Clerk of the Marion County Probate Court, in the sum of \$2,353.10 representing the

distributive shares of Willy Steinebach, Margarete Franzheim, Henny Berendes, Elizabeth Rosenthal, Josefine Wetter, Hilde Fahrtnmann, Anneliese Wetter, Hugo Wetter, and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Albert Wetter, Otto Wetter and Wilhelm Steinebach, and each of them, in and to the net proceeds from that portion of the real estate which has been sold.

All right, title, interest and claim of any kind or character whatsoever of Willy Steinebach, Margarete Franzheim, Henny Berendes, Elizabeth Rosenthal, Josefine Wetter, Hilde Fahrtnmann, Anneliese Wetter, Hugo Wetter, and person or persons, names unknown, heirs, next of kin, devisees, legatees, distributees, personal representatives, administrators, executors and assigns of Albert Wetter, Otto Wetter and Wilhelm Steinebach, and each of them, in and to the net proceeds from the sale of real estate involved in partition proceedings now pending in the Probate Court of Marion County, Indiana, in Cause No. 3409,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: November 6, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18384; Filed November 15, 1943;  
11:05 a. m.]

[Vesting Order 2536]

MARIO CUCUMO

In re: Invention and Disclosure thereof of Mario Cucumo.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mario Cucumo is a citizen and resident of Italy and is a national of a foreign country (Italy);

2. That the invention and disclosure described in subparagraph 3 hereof are property of Mario Cucumo;

3. That the property described as follows:  
The disclosure identified as follows:

*TC Number, Inventor and Invention*

TC-499. Mario Cucumo, Machine for cutting metals and other materials,

together with the entire right, title, and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of a foreign country (Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18369; Filed, November 15, 1943;  
11:01 a. m.]

[Vesting Order 2537]

**EMILE PIQUEREZ**

In re: Invention and Disclosure thereof of Emile Piquerez.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Emile Piquerez is a resident of France and is a national of a foreign country (France);

2. That the invention and disclosure described in subparagraph 3 hereof are property of Emile Piquerez;

3. That the property described as follows:  
The disclosure identified as follows:

*TC Number, Inventor and Invention*

TC-1073; Emile Piquerez; Apparatus for testing vehicles,

together with the entire right, title, and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure,

is property of a national of a foreign country (France);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18370; Filed, November 15, 1943;  
11:01 a. m.]

[Vesting Order 2538]

**ALFRED SCHMID**

In re: Inventions and disclosures thereof of Alfred Schmid.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Alfred Schmid is a resident of Germany and is a national of a foreign country (Germany);

2. That the inventions and disclosures described in subparagraph 3 hereof are property of Alfred Schmid;

3. That the property described as follows:

*TC Number, Inventor, and Invention*

TC-1078, Alfred Schmid, Primary electrolytic cell.

TC-1078 (a), Alfred Schmid, Carbon electrode.

together with the entire right, title, and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on November 6, 1943.

[SEAL] LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18371; Filed, November 15, 1943;  
11:01 a. m.]

[Supp. Vesting Order 2545]

**UNITED OCEAN TRANSPORT CO., LTD.**

In re: The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Having found under Vesting Order No. 170, dated September 28, 1942, that The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha) is a national of a designated enemy country (Japan);

2. Finding that Takatiko & Company (Takatiko Syosen Kabusiki Kaisha), whose principal place of business is 1/6 Banti, Marunouti, 1-tyome, Kozimati-ku, Tokyo, Japan, is a corporation organized under the laws of Japan and is a national of a designated enemy country (Japan);

3. Finding that Takatiko & Company (Takatiko Syosen Kabusiki Kaisha) has an interest in The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha) which interest as of November 18, 1942, was in the amount of \$106,330.50 (99.20% of the liabilities) and is represented on the books and records of The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha) as an account payable to Takatiko & Company (Takatiko Syesen Kabusiki Kaisha), which together with all additions and deductions subsequent thereto is evidence of an interest in said business enterprise;

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the interest of Takatiko & Company (Takatiko Syesen Kabusiki Kaisha) in The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha) represented on the books and records of The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha) as an account payable to Takatiko & Company (Takatiko Syesen Kabusiki Kaisha) hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 10, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18372; Filed, November 15, 1943;  
11:01 a. m.]

ALFRED BOCH, HYMAN WECHSLER, H. W.  
ZIELER: E. LEITZ, INC.

ORDER FOR AND NOTICE OF HEARING

Whereas on August 24, 1942, the Alien Property Custodian issued Vesting Order No. 108 (7 F.R. 7155) which vested, among other things, 25 shares, registered in the name of Alfred Boch, of common stock of E. Leitz, Inc., a corporation organized on March 29, 1941, under the laws of the State of New York, and 25 such shares registered in the name of H. W. Zieler, in which vesting order there was recited among other things, a finding that all the said shares were property of nationals of a designated enemy country (Germany); and

Whereas H. W. Zieler and Hyman Wechsler have filed Notice of Claim No. 82 and Alfred Boch and Hyman Wechsler have filed Notice of Claim No. 83, which claims appear to assert that the said Zieler and Boch are each the owner of a two-thirds equitable interest in the shares registered in their respective names and that the remaining equitable interest in the said shares is owned by the said Wechsler, and that neither Wechsler, Zieler nor Boch is a national of a designated enemy country.

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian (7 F.R. 2290), that the said claims be consolidated for hearing and that the hearing thereon be held before the Vested Property Claims Committee on Tuesday, November 30, 1943, at 10:00 a. m. eastern war time, in Room 633, National Press Building, 14th and F Streets, NW, Washington, D. C. to continue thereafter at such times and places as the Committee may determine. It is further ordered, That this notice of hearing be served by registered mail upon the said claimants and upon the persons designated in paragraph 2 of the said notices of claim.

Any person desiring to be heard either in support of or in opposition to the said

claims or either of them may appear at the hearing and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets NW, Washington (25) D. C., on or before November 24, 1943.

The foregoing characterization of the claims is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claims. Copies of the claims and of the said vesting order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS  
COMMITTEE,  
JOHN C. FITZGERALD,  
Chairman.

CHARLES O. HARDY.  
MICHAEL F. KRESKY.

[F. R. Doc. 43-18397; Filed, November 15, 1943;  
11:05 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 101]

GREAT SOUTHERN TRUCKING COMPANY,  
ET AL.

COORDINATED OPERATIONS BETWEEN POINTS  
IN GEORGIA AND FLORIDA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Great Southern Trucking Company, a corporation, Jacksonville, Florida, K. & L. Transportation Co., Inc., Waycross, Georgia, and Georgia Highway Express, Inc., Macon, Georgia, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,<sup>1</sup> a copy of which plan is attached hereto as Appendix 1,<sup>2</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

<sup>1</sup> 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582.

<sup>2</sup> Filed as part of the original document.

## FEDERAL REGISTER, Tuesday, November 16, 1943

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-101," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 17, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of November 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-18317; Filed, November 13, 1943;  
11:04 a. m.]

[Special Order ODT B-50]

SANTA FE TRAIL TRANSPORTATION CO.  
AND DELUXE MOTOR STAGES OF ILLINOIS,  
INC.

COORDINATED OPERATION BETWEEN CHICAGO,  
ILL., AND ST. LOUIS, MO.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Deluxe Motor Stages of Illinois, Inc., Chicago, Illinois, and The Santa Fe Trail Transportation Company, Chicago, Illinois (hereinafter called "carriers"), pursuant to § 501.49 of General Order ODT 11, as amended (7 F.R. 4389, 11099; 8 F.R. 12028), and in order to assure maximum utilization of the facilities, services and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The Santa Fe Trail Transportation Company shall lease to Deluxe Motor Stages of Illinois, Inc., and Deluxe Motor Stages of Illinois, Inc., shall lease from The Santa Fe Trail Transportation Company operating rights between the points and over the routes hereinafter described, to wit:

(a) Between Chicago, Illinois, and St. Louis, Missouri, from Chicago, Illinois, to Hammond, Indiana, over city streets and U. S. Highway 41 and from Hammond, Indiana, to Harvey, Illinois, over Sibley Boulevard; from Harvey, Illinois, over U. S. Highway 54 to Fullerton, Illinois, and to the junction of U. S. Highway 54 and Illinois Highway 48; thence over Illinois Highway 48, via Decatur and Taylorville, to the junction of Illinois Highway 48 and U. S. Highway 66, thence over U. S. Highway 66, via Litchfield and Staunton to the junction of U. S. Highway 66 and Illinois Highway 140 at Hamel, Illinois, thence over Illinois Highway 140 via Alton, Illinois, to and over Lewis and Clark Bridge, thence over U. S. Highway 67 and Missouri State Highway 99 to St. Louis, Missouri;

(b) Between Litchfield, Illinois, and Greenville, Illinois, over Illinois Highway 16 to the junction of Illinois Highways 16 and 127, and thence over Illinois Highway 127 to Greenville, Illinois;

and thereupon The Santa Fe Trail Transportation Company shall suspend service over such routes.

2. Deluxe Motor Stages of Illinois, Inc., shall operate a through service between Chicago, Illinois, and St. Louis, Missouri, over the route described in subparagraph (a) of paragraph numbered 1, and shall operate adequate service over the route described in subparagraph (b) of paragraph numbered 1. Schedules so operated between Chicago and St. Louis shall at all times equal the number of schedules operated by Deluxe Motor Stages of Illinois, Inc., between such points via the route operated by it on the date of this order.

3. The Santa Fe Trail Transportation Company shall suspend service between Chicago, Illinois, and Gibson City, Illinois, over the following described route, to wit:

From Chicago, Illinois, over Illinois Highway 7 to the junction of U. S. Highway 45, and south on U. S. Highway 45 to Kankakee, Illinois, thence on Illinois Highway 17 to Dwight, Illinois, thence over Illinois Highway 47 to Gibson City;

and shall suspend service over U. S. Highway 6 between Hammond, Indiana, and its junction of U. S. Highway 45.

4. Deluxe Motor Stages of Illinois, Inc., shall honor tickets issued by The Santa Fe Trail Transportation Company for transportation between points on the routes described in paragraph numbered 1.

5. The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. Compliance with the order shall be subject to the appropriate regulatory authorities first authorizing or approving the lease of operating rights referred to in paragraph numbered 1.

6. Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise

file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

7. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to Special Order ODT B-50.

This order shall become effective November 1, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of November 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 43-18410; Filed, November 15, 1943;  
11:44 a. m.]

[Rev. ODT 3, Supp. Order 86]

#### COLUMBIA TRUCK EXPRESS, ET AL.

#### COORDINATED OPERATIONS BETWEEN POINTS IN OREGON AND WASHINGTON

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,<sup>1</sup> a copy of which plan is attached hereto as Appendix 2,<sup>2</sup> and

It appearing that the proposed co-ordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

<sup>1</sup> 7 F.R. 5445, 6689, 7694; 8 F.R. 4660.

<sup>2</sup> Filed as part of the original document.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs, or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-86," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 30, 1943, and shall remain in full

force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of October 1943.

C. D. YOUNG,  
Deputy Director,  
Office of Defense Transportation.

#### APPENDIX 1

1. Columbia Truck Express (a corporation), 1303 S. W. 16th Avenue, Portland, Oregon.

2. Agnes Heyser (an individual), doing business as Heyser's Nickle Plate Line, 930 S. E. Lincoln Street, Portland, Oregon.

3. Interstate Freight Lines, Inc. (a corporation), 1700 First Avenue South, Seattle, Washington.

4. Harry F. Martin and Anton J. Martin (a co-partnership), doing business as Martin Transfer Company, Longview, Washington.

5. James Beard Cadwell (an individual), doing business as Oregon Auto Despatch, 905 N. W. 17th Avenue, Portland, Oregon.

6. Pacific Highway Transport, Inc. (a corporation), S. 110 Sheridan Street, Spokane, Washington.

7. Portland-Seattle Auto Freight, Inc. (a corporation), 90 Dearborn Street, Seattle, Washington.

8. Gustave Robertson (an individual), doing business as Robertson Freight Lines, 1522 N. W. Thurman Street, Portland, Oregon.

9. L. V. Smart and C. F. Corbett (a co-partnership), doing business as Smart's Auto Freight Co., 1419 N. W. Overton Street, Portland, Oregon.

10. Ernest Christensen (an individual), doing business as Vancouver Fast Freight, 808 Columbia Street, Vancouver, Washington.

11. O. A. Weeks and R. R. Weeks (a co-partnership), doing business as Weeks Company Transfer, 804 Broadway Street, Vancouver, Washington.

12. Lenus F. Boys (an individual), doing business as Woodland Truck Line, Woodland, Washington.

[F. R. Doc. 43-18409; Filed, November 15, 1943;  
11:43 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under MPR 206]

#### VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

##### ORDER AUTHORIZING ADJUSTABLE PRICES

As a result of information obtained through field investigation the Office of Price Administration has found it necessary to promulgate an amendment to Revised Maximum Price Regulation No. 206 establishing a method whereby manufacturers of vitrified clay sewer pipe and allied products may ship such products outside their normal market area to satisfy increased demands in other distant areas presently experiencing shortages

in the supply of these products for essential war construction.

It has been shown that authorization to use adjustable pricing, pending the issuance of the amendment, is necessary to promote the distribution of vitrified clay sewer pipe and allied products and that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with section 3.3 of Revised Maximum Price Regulation No. 206; *It is hereby ordered*, That:

(a) Pending the final issuance of an amendment by the Office of Price Administration permitting manufacturers to ship vitrified clay sewer pipe and allied products outside of a factory's normal market area into other distant areas which are not customarily served by such factories, specific authorization is hereby granted to any manufacturer to sell and deliver and to offer to sell and deliver vitrified clay sewer pipe and allied products at prices not in excess of the maximum prices established in accordance with Revised Maximum Price Regulation No. 206; *Provided, however*, Offers to sell, sales, and deliveries may be made at prices adjustable to those resulting from final action taken by the Office of Price Administration, subject to the following conditions:

(i) The sale must be made to a Government agency or to a contractor or subcontractor under a contract or subcontract with a Government agency;

(ii) The seller must compute transportation charges on the basis of rail carload quantities; and

(iii) Delivery is to be made outside the manufacturer's normal market area.

Manufacturers who avail themselves of the adjustable pricing authority permitted under this order may not receive and purchasers may not pay an amount in excess of maximum prices permitted by Revised Maximum Price Regulation No. 206 unless and until final action is taken by the Office of Price Administration establishing maximum prices in excess of those presently in effect for the geographic area in which delivery is made.

(b) For the purpose of this order "normal market area" for any factory means that area in which vitrified clay sewer pipe and allied products were regularly offered for sale during the period January 1, 1940, to January 1, 1942; for the purposes of this definition vitrified clay pipe and allied products will be deemed to have been regularly offered for sale in that area in which the factory has salesmen traveling at regular intervals and/or customarily quoted for shipment

during the above-mentioned period. Manufacturers may not receive and their purchasers may not pay an amount in excess of the maximum prices established under Revised Maximum Price Regulation No. 206 until final approval has been granted by the Administrator of the Office of Price Administration permitting an increase in the maximum prices established for the area in which delivery is to be made.

(c) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for delivery of vitrified clay sewer pipe and allied products outside a factory's normal market area higher than the maximum prices now prevailing. This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 15th day of November 1943.

(56 Stat. 23, 785; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18337; Filed, November 13, 1943;  
11:52 a. m.]

[Order 13 Under RMPR 213]

HUNT SPRING BED CO.

APPROVAL OF MAXIMUM PRICES

Order No. 13 under section 6 of Revised Maximum Price Regulation No. 213—New Coil and Flat Bed Springs. Approval of maximum prices for sales of a new coil bed spring, manufactured by Hunt Spring Bed Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and 9328, *It is hereby ordered*:

(a) The Hunt Spring Bed Company, Chattanooga, Tennessee, may sell and deliver the 88 coil double deck bedspring, described in its letter to the Office of Price Administration, dated September 30, 1943, at a price no higher than \$6.60 each, f. o. b. factory, L. C. L. This price shall be subject to a discount of 2% for cash payment within ten days.

(b) Any person may sell at retail and deliver the 88 coil double deck bedspring manufactured by the Hunt Spring Bed

Company at a price no higher than \$12.50 each.

(c) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) Before delivery to any purchaser for resale, the manufacturer shall attach to each bedspring so that it is clearly visible, a durable tag containing, in easily readable lettering, a statement in the following form:

The Office of Price Administration has established a retail ceiling price of \$12.50 for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in Revised Maximum Price Regulation No. 213 shall apply to the terms used herein.

This Order No. 13 shall become effective on the 15th day of November 1943.

Issued this 13th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18338; Filed, November 13, 1943;  
11:51 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following order was filed with the Division of the Federal Register on November 12, 1943.

Order Number and Name

MPR 157, Order 34, Oriole Clothing Mfg. Co.

The following orders were filed with the Division of the Federal Register on November 13, 1943.

Order Number and Name

RPS 41, Order 15, Amendment 1, Glenwood Range Co.

MPR 188, Order A-2, Revised Order 1, Thomas A. Wagner.

RMPR 213, Order 13, Hunt Spring Bed Co.

MPR 244, Order 37, Amendment 1, Superior Foundry Co.

Copies of these orders may be obtained from the Printing and Distribution Branch of the Office of Price Administration.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-18350; Filed, November 13, 1943;  
4:07 p. m.]

## Regional and District Office Orders.

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 11, 1943.

## REGION II

Syracuse, Order No. 10, Amendment No. 2, filed 4:01 p. m.

## REGION III

Dayton, Order No. 6, Amendment No. 1, filed 4:00 p. m.

Dayton, Order No. 6, Amendment No. 2, filed 4:00 p. m.

## REGION IV

Charlotte, Order No. 9, Amendment No. 3, filed 4:00 p. m.

Richmond, Order No. 9, filed 4:00 p. m.

South Carolina, Order No. 1-F, Amendment No. 7, filed 3:59 p. m.

## REGION VI

North Platte, Order No. 8, Amendment No. 1, filed 3:59 p. m.

North Platte, Order No. 9, Amendment No. 1, filed 4:02 p. m.

Sioux Falls, Order No. 3, Amendment No. 5, filed 4:01 p. m.

Sioux Falls, Order No. 4, Amendment No. 1, filed 3:59 p. m.

## REGION VIII

San Diego, Order No. 5, filed 4:01 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-18292; Filed, November 12, 1943;  
3:43 p. m.]

[Region I Order G-24 Under RMPR 122]

## SOLID FUELS IN BRIDGEPORT AREA, CONN.

Order No. G-24 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels, Bridgeport, Connecticut Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The Maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Bridgeport, Connecticut Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for:

(1) Sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and

(2) Charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-24 is explained in paragraph (f) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-24. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-24 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this Order shall be so construed as to permit noncompliance with any statutes of the State of Connecticut, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price schedule No. 1; sales on a delivered basis.* (1) Price schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Bridgeport, Connecticut Area.

Kind and size	Per net ton	$\frac{1}{4}$ ton	$\frac{1}{2}$ ton	100 lbs.	
Pennsylvania anthracite: Broken, egg, stove and chestnut.....	\$15.00	\$7.75	\$4.15	\$1.00	
Pea.....	13.00	6.75	3.65	.90	
Buckwheat.....	10.95	5.75	3.15	.80	
Rice.....	9.95	5.25	2.90	.75	
Yard screenings.....	3.50	—	—	—	
Coke Egg, stove and chestnut.....	14.00	7.25	3.90	.95	

(2) *Terms of sale.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth above shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by 50 cents per ton, or by 25 cents per half-ton, or by 10 cents per quarter ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per $\frac{1}{4}$ ton	Per $\frac{1}{2}$ ton
For any carry or wheeling from a "direct delivery" point, ex- clusive of charges for carries up or down flights of stairs.....	Cents 50	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight.....	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price schedule II; yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bridgeport, Connecticut Area to consumers.

Kind and size	Per net ton	$\frac{1}{4}$ ton	$\frac{1}{2}$ ton	100 lbs.	
				In paper bags	In bulk or burlap bags
Pennsylvania anthracite: Broken, egg, stove and chestnut.....	\$13.50	\$6.75	\$3.40	\$0.80	\$0.75
Pea.....	11.50	5.75	2.90	.70	.65
Buckwheat.....	9.45	4.75	2.40	.60	.55
Rice.....	8.45	4.25	2.15	.55	.50
Yard screenings.....	2.50	—	—	—	—
Coke: Egg, stove and chestnut.....	12.50	6.25	3.15	.75	.70

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag, except when 100 pound lots are delivered in paper bags. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for or deposit charges on bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Price schedule III; yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bridgeport, Connecticut Area to dealers in fuels who resell them.

Kind and size	Per net ton	Per $\frac{1}{2}$ ton	Per $\frac{1}{4}$ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	\$12.50	\$6.25	\$3.15
Pea	10.50	5.25	2.65
Buckwheat	8.95	4.50	2.25
Rice	7.95	4.00	2.00
Yard screenings	2.50		
Coke—egg, stove and chestnut	11.50	5.75	2.90

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days.

(3) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any charges for or deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this Order G-24 for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Bridgeport, Connecticut Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Bridgeport, Connecticut Area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in this Order G-18, the terms:

(1) "Bridgeport, Connecticut Area" shall include the following cities and towns in the State of Connecticut: Bridgeport, Easton, Fairfield, Milford, Monroe, Stratford and Trumbull.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal pre-

pared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine; a coke oven, or a briquette plant.

(6) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(9) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order G-24 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order G-24 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-24 shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (i) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the

name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(k) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeal from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(l) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-24 shall become effective November 18, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 13th day of November, 1943.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 43-18322; Filed, November 13, 1943;  
11:50 a. m.]

[Region II Order G-16 Under 18 (c)]

#### FIREWOOD IN WASHINGTON, D. C., AREA

Order No. G-16 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended, and in accordance with Revised Procedural Regulation No. 1, and for the period commencing with the effective date of this order and terminating on January 8, 1944, it is ordered:

(a) On and after November 10, 1943, the maximum prices for the sale and delivery, in the Washington, D. C., area, as defined herein, of firewood of the following types, viz, hardwood cordwood, mixed hardwood cordwood and softwood cordwood, and softwood cordwood, delivered to consumer's premises, in the units and sizes set forth in the following schedule, shall be the applicable adjusted maximum prices specified therein:

Type	Size	Adjusted maximum price per unit		
		Cord	½ cord	¼ cord
Hardwood cordwood	12", 16", 24" lengths 4 ft. lengths	\$21.00 19.00	\$11.00 10.00	\$5.75 5.25
Mixed hardwood and softwood cordwood	12", 16", 24" lengths 4 ft. lengths	21.00 19.00	11.00 10.00	5.75 5.25
Softwood cordwood	12", 16", 24" lengths 4 ft. lengths	21.00 19.00	11.00 10.00	5.75 5.25

(b) The following charges per unit for the service comprehending wheeling, carrying, and stacking may be added to the applicable adjusted maximum prices set forth in paragraph (a), where the seller performs such service at the request of the purchaser:

*Maximum authorized service charge, inclusive of carrying, wheeling, and stacking*

Unit:		\$1.00
Cord		.50
½ cord		.25

(1) The foregoing service charge must in all cases be separately shown and separately stated on seller's invoices.

(2) The charge may be made only in those cases wherein the purchaser voluntarily requests a performance of the service, and the seller may not require, as a condition of any sale and/or delivery, that the purchaser use such seller's services.

(c) The seller may not charge for any service for which a charge is not specifically authorized by this order, and may not add to the maximum prices above established any charge which is not expressly permitted in this order.

(d) No person shall evade any of the maximum prices established herein, directly or indirectly, whether by commission, service, transportation or other charge; by tying agreement or other trade understanding, or in any other way. However, prices lower than these maximum prices may be charged and paid.

If a seller makes a sale in quantities smaller than those specified in this order, at a price substantially equal to or greater than the price established in this order for a designated quantity of fire-

wood, he shall be in violation of this order. No seller shall break up a purchase order in an effort to obtain a higher price.

(e) The Regional Administrator or Price Administrator may amend, revoke or rescind this order at any time.

(f) *Definitions.* When used in this order the term:

(1) "Firewood" means any wood prepared and intended for consumption as fuel.

(2) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, of desirable species.

(3) "Hardwood cordwood" means any cordwood cut from deciduous trees.

(4) "Softwood cordwood" means cordwood cut from other than deciduous trees.

(5) A standard "cord" means 128 cubic feet of tightly stacked pieces of wood 48" in length. A cord of wood consisting of lengths greater than 48" shall contain at least 128 cubic feet.

(6) A "cord" of wood in lengths measuring 24" shall contain at least 104 cubic feet.

(7) A "cord" of wood in lengths measuring 16" shall contain at least 98% cubic feet.

(8) A "cord" of wood in lengths measuring 12" or less shall contain at least 96 cubic feet. Sizes under 12" shall be included in this definition.

For wood sizes above 12", other than those herein specifically mentioned, the cubical contents of a cord shall be determined on a proportionate basis.

For example, a cord of wood containing lengths measuring 20" shall contain at least 101⅓ cubic feet. This is determined as follows:

20" lies between 12" and 24"  
24" wood contains at least 104 cubic feet  
12" wood contains at least 96 cubic feet

Difference 12"  
20"-12"-8"  
 $\frac{8}{12} \times 8$  cubic feet =  $\frac{2}{3} \times 8$  cubic feet =  $5\frac{1}{3}$  cubic feet  
96 cubic feet +  $5\frac{1}{3}$  cubic feet =  $101\frac{1}{3}$  cubic feet

(9) "Stacking" means the orderly placing, arranging setting or piling of individual pieces of firewood on or at the premises designated by, and in a place therein prescribed by, the purchaser.

(10) "Carrying and wheeling" refer to the movement of firewood from seller's truck or other vehicle to the place designated by the purchaser for stacking.

(11) "To the consumer's premises" means delivered and deposited on or at premises designated by the purchaser or his representative.

(12) The Washington, D. C. area includes the District of Columbia, and the following districts in the State of Maryland: Chevy Chase, Bethesda, Sligo, Silver Spring, Takoma Park, College Park, Seat Pleasant, Riverdale, Capital Heights, Oton Hill, Kensington, Mt.

Rainer, Hyattsville and Brentwood which are in Montgomery and Prince Georges Counties.

This order shall, unless earlier revoked, expire on January 8, 1944.

This order shall become effective November 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4631)

Issued November 9, 1943.

JOHN R. JOHNSTON,  
Acting Regional Administrator.

[F. R. Doc. 43-18323; Filed, November 13, 1943;  
11:48 a. m.]

[Region II Order G-21 Under RMPR 122]

#### BITUMINOUS COAL IN NEW YORK CITY REGION

Order No. G-21 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Emergency sales of prepared bituminous coal to domestic consumers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and for the period commencing with the effective date of this order and expiring on April 1, 1944, it is hereby ordered:

(a) In Region II, consisting of the States of Delaware, Maryland, New Jersey, New York, the Commonwealth of Pennsylvania, and the District of Columbia, the maximum prices established by § 1340.254 of Revised Maximum Price Regulation No. 122, for prepared bituminous coal sold or delivered to domestic consumers, shall be determined in the following manner:

(1) Any dealer who can calculate his maximum price by the use of Rule 1 of § 1340.254 (b) shall do so.

(2) Any dealer who cannot calculate his maximum price by the use of said Rule 1, but can calculate his maximum price by the use of Rule 2 of § 1340.254 (b) shall do so.

(3) The maximum price of any dealer who cannot calculate his maximum price by the use of either Rule 1 or Rule 2 shall be the sum of:

\*First, the per net ton cost to the dealer of the bituminous coal, f. o. b. supplier's shipping point;

Second, the actual transportation cost from supplier's shipping point to the dealer's yard, dock or other terminal facility; and

Third, the margin over delivered cost on the dealer's similar sale of anthracite coal most nearly like the sale of bituminous coal for which a maximum price is being calculated hereunder, taking into account class of purchaser, method of delivery, and terms of delivery: *Provided*, That, where sales or deliveries are contemplated in communities subject to area dollars-and-cents orders issued under Revised Maximum Price Regulation No. 122, dealers shall add no more than the margins authorized by the Regional Of-

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fice of the Office of Price Administration. In such instances, dealers shall apply for a price to the Regional Office, setting forth in writing:

1. The locality in which sales and deliveries of prepared bituminous coal will be made, and

2. The f. o. b. cost of coal and the actual transportation cost, as above described.

The Regional Office will then inform the applicant of the maximum price which may be charged for such coal in the place designated; and *Further provided*, That a dealer eligible for compensatory adjustment under Compensatory Adjustment Regulation No. 1 shall, in place of the item marked Second in this subsection (3), substitute the lowest transportation cost he would have incurred during December, 1941, in bringing the bituminous coal to his terminal facility.

(b) In the case of sales and deliveries at a wholesale yard which customarily sells anthracite exclusively for resale, if application of the pricing rules contained in paragraph (a) hereof result in a margin over delivered costs amounting to less than \$1.25 per net ton for prepared bituminous coal, the maximum price therefor shall be determined by adding an amount not in excess of \$1.25 per net ton to the sum of

(1) The f. o. b. cost, supplier's shipping point, and

(2) The actual transportation cost from supplier's shipping point to the dealer's yard.

(c) *Definitions*. When used in this order No. G-21 the term:

(1) "Prepared bituminous coal" means bituminous coal which has been prepared at the mine by passing over a screen or by double screening, and which has again been screened at the dealer's yard for removal of undersized coal.

(2) "Sales at wholesale yard" means sales from yards of dealers who do not normally sell bituminous coal, and who normally sold anthracite exclusively to other dealers for resale.

(3) Unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.256 of Revised Maximum Price Regulation No. 122 shall apply to all other terms used herein.

(d) This order, which may be revoked, amended, or corrected at any time, shall, unless earlier revoked or replaced, expire on April 1, 1944.

This Order No. G-21 shall become effective November 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of November 1943.

JOHN R. JOHNSTON,  
Acting Regional Administrator.

[F. R. Doc. 43-18324; Filed, November 13, 1943;  
11:49 a. m.]

[Region VII Order G-19 Under RMPR 122]

SOLID FUELS IN SANTA FE TRADE AREA,  
N. MEX.

Order No. G-19 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers. Maximum

prices for certain solid fuels sold and delivered by dealers in the Santa Fe Trade Area, State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340-269 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, it is hereby ordered:

(a) *Geographical applicability*. This order shall apply to the area contained within the municipal boundaries of the city of Santa Fe, New Mexico. The above described area is referred to herein as the Santa Fe Trade Area.

(b) *What this order does*. If you are a dealer in bituminous and/or anthracite coal, you will find set forth in this order under Table I the maximum prices which you may charge for sales and deliveries made by you from your place of business in the specific area served; and if you are a purchaser in the course of trade or business the prices set forth herein in Table I are the maximum prices which you may pay any coal dealer in

the specific area covered for the kinds, sizes and quantities of coals specified in said tables when purchased in his place of business in the particular area covered.

(c) *To what sales this order applies*. If you sell coal of the kind specified herein and make delivery thereof to any person within the areas covered, the maximum price which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Table I of this order.

(d) *Specific maximum prices*. (1) If you sell and deliver in the Santa Fe Trade Area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices for such delivered sales are those specified in Part 1 of said Table I; if you sell from your yard in the Santa Fe Trade Area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices therefore are those specified in Part 2 of said Table I.

TABLE I—MAXIMUM PRICES SANTA FE TRADE AREA

Kind	Size	Part 1		Part 2 Yard prices per ton	
		Delivered prices			
		Per ton	Per $\frac{1}{2}$ ton		
Bituminous coal produced in District 17: Subdistrict 3, Canon No. 2	#9-3 x 1½ nut	\$10.75	\$5.65	\$10.00	
Bituminous coal produced in District 18: Subdistrict 2, Cerrillos	#1-4" lump	11.10	5.80	10.35	
	#5-6 x 3 egg	11.00	5.75	10.25	
	#7-2½ x 1½ nut	10.65	5.30	9.30	
	#8-1 x ¾ pea	6.70	3.60	5.95	
	#2-2" lump	10.35	5.45	9.60	
	#1 Crate	15.45	8.00	14.70	
	#2 & #3-egg and stove	15.20	7.85	14.45	
	Baseburner	14.70	7.60	13.95	
	#7-pea	9.80	5.15	9.05	

(2) If in connection with a sale and delivery of coal made by you in the area covered herein, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated:

Special service charges:	Per ton	Per $\frac{1}{2}$ ton
"Wheel-in"	\$0.50	\$0.35
"Pull-back" or "trimming"	.25	.15
"Carrying up or down stairs"	1.00	.60
Oil or chemical treatment	.25	.15

(e) *Determination of mixed coals prices*. If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed adjusted to the nearest five cents.

(f) *When transportation tax may be collected*. If on any purchase of coal made by you you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in subparagraphs (1) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased, provided you state separately

on your sales invoice, slip, ticket or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations*. Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were rewritten herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements*. Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do*. Regardless of any contract or other obligation which you may have heretofore entered into you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds and

sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary discounts, differentials or allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the areas for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(j) An increase in your supplier's prices does not authorize you to increase your prices. You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) Adjustable pricing. You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) Petition for amendment. If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1 except that it shall be filed with the Regional Administrator and acted upon by him.

(m) Right to revoke or amend. This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(n) Definitions. (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises are such as to prevent dumping or

unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by re-handling the same for the purpose of filling the bin and the service charge for such pull-back or trimming shall apply only to the amount of coal so re-handled.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in Districts 17 and 18 and any sub-districts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight August 23, 1943.

(8) Additional charge for delivering beyond area. For a delivery made to a place beyond the area as defined in paragraph (a) hereof you may make an additional charge not in excess of any such additional delivery charge you regularly made in December 1941. If you are a dealer who was not in business in December 1941, or if you were in business but made no such deliveries, you may take for your additional delivery charge the charge of your nearest competitor who was established in business and did make such charge in December 1941.

(o) Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Effective date. This order shall become effective November 9, 1943.

Note: The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.)

Issued this 9th day of November 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-18325; Filed, November 13, 1943;  
11:48 a. m.]

[Region VIII Order G-4 Under MPR 165,  
Amdt. 5]

#### PACKING AND OTHER SERVICES IN DESIGNATED WASHINGTON COUNTIES

Amendment No. 5 to Order No. G-4 under Maximum Price Regulation No. 165, as amended. Adjusted maximum prices for packing and certain other services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114(d) of Maximum Price Regulation No. 165, as amended, it is hereby ordered that Order No. G-4 under Maximum Price Regulation No. 165, as amended, be amended in the following particulars:

(1) The portion of paragraph (a) which precedes subparagraph 1 thereof is amended to read as follows:

(a) The adjusted maximum price for the service of cleaning seed, for the service of cleaning and sacking beans, for the service of crushing olives, and for the service or services of packing, drying, and dehydrating fruits (except citrus fruit and except apples and pears grown in Chelan, Okanogan, Douglas, and Grant Counties in the State of Washington), vegetables, or rice, and related services, and also canning for ultimate consumers, sold and supplied by any person located in Region VIII, shall be the sum of the following:

This amendment shall become effective November 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1943.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 43-18326; Filed, November 13, 1943;  
11:46 a. m.]

[Region VIII Order G-28 Under 18 (c),  
Amdt. 1]

#### FIREWOOD IN YAKIMA COUNTY, WASH.

Amendment No. 1 to Order No. G-28 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Certain firewood in Yakima County, Washington.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation and section (e) of Order No. G-28 and for the reasons set forth in the opinion issued herewith, it is ordered:

(a) Paragraph (b) of Order No. G-28 under section 18 (c) of the General Max-

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imum Price Regulation, granting maximum prices for the sale of the specified kinds of firewood in Yakima County, Washington, is hereby amended to read as follows:

(b) The maximum price for the sale of specified kinds of firewood shall be:

1. For sales to any person delivered on the grounds, in the woods within Yakima county, Washington:

(i) Fir forest wood, old and sec-	4'	24"	16"
ond growth, green or dry, per cord	\$7.00	\$7.75	\$8.50

(ii) Apple wood, green or dry,	8.00	8.75	9.50
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2. For sales to a dealer delivered to the dealer's yard or place of business in the city of Yakima, Washington:

(i) Fir forest wood, old and sec-	4'	24"	16"
ond growth, green or dry, per cord	\$8.75	\$10.50	\$11.25

(ii) Apple wood, green or dry,	10.25	11.00	11.75
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3. For sales delivered to the premises of the consumer in the County of Yakima outside the corporate limits of the city of Yakima, Washington:

(i) Fir forest wood, old and sec-	4'	24"	16"
ond growth, green or dry, per cord	\$11.50	\$12.25	\$13.50

(ii) Apple wood, green or dry,	12.25	13.00	14.25
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4. For sales delivered to the premises of the consumer within the corporate limits of the city of Yakima, Washington:

(i) Fir forest wood, old and sec-	4'	24"	16"
ond growth, green or dry, per cord	\$12.25	\$13.00	\$14.25

(ii) Apple wood, green or dry,	13.00	13.75	15.00
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(b) This Amendment No. 1 to Order No. G-28 shall become effective November 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued November 1, 1943.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 43-18327; Filed, November 13, 1943;  
11:47 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-45]

ELY AND WALKER DRY GOODS CO.  
ORDER GRANTING APPLICATION AND IMPOSING  
TERMS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of November, A. D. 1943.

In the matter of Ely & Walker Dry Goods Company, \$100 Par 7% Cumulative First Preferred Stock, \$100 Par 6% Cumulative Second Preferred Stock, \$25 Par Common Stock.

Ely & Walker Dry Goods Company having filed an application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 adopted thereunder, to withdraw its Common Stock \$25 par value, its 7% Cumulative First Preferred Stock \$100 par value and its 6% Cumulative Second Preferred Stock \$100 par value from listing and registration on the St. Louis Stock Exchange; a hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion and pursuant to section 12 (d) of said Act; *It is hereby ordered*, That the ap-

plication be and it hereby is granted, effective ten days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18268; Filed, November 12, 1943;  
2:53 p. m.]

[File Nos. 59-38, 54-84]

#### UNITED PUBLIC UTILITIES CORP., ET AL.

##### NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of November 1943.

In the matter of United Public Utilities Corporation and its subsidiary companies, respondents, File No. 59-38; United Public Utilities Corporation, Alabama United Ice Company, File No. 54-84.

The Commission having, by order dated March 4, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directed, among other things, that United Public Utilities Corporation ("UPU"), a registered holding company, divest itself of all its interest in, and in the properties and assets owned or operated by its subsidiary, Alabama United Ice Company ("Alabama"), and said order having provided that the respondents should make application to the Commission for the entry of such further orders as might be necessary or appropriate for the purpose of carrying out the provisions of the above-mentioned order; and

The Commission having granted an extension of time until March 4, 1944 within which to comply with its order of March 4, 1942;

Notice is hereby given that UPU and Alabama have filed with this Commission an application and declaration designated as Application No. 3 pursuant to sections 11 (b), 11 (e), 12 (c) and 12 (f) of the Act and Rules U-42 and U-46 thereunder with respect to various proposed transactions designed to accomplish the divestment of all the interest of UPU in Alabama. All interested persons are referred to said application and declaration, which are on file at the office of this Commission for a statement of the transaction thereunder proposed, which are summarized as follows:

(1) Alabama has declared and proposes to pay to UPU, subject to the approval of this Commission, a partial liquidating dividend of \$24,699.19 to be charged to capital surplus.

(2) UPU proposes to sell to Thomas E. Wright and Joseph J. Kirby, Jr. for approximately \$142,400 as of October 31, 1943, its investment in Alabama consisting of the following securities at the prices stated:

(a) Alabama's 6% income note for the cash sum of \$64,791.60 being the principal amount thereof.

(b) All of Alabama's capital stock consisting of 100 shares of \$100 par value common stock for the cash sum of \$45,208.40 plus an amount equal to the aggregate of its net current assets estimated at \$20,400 and its

investment cost in Polar Ice Company, Inc. of \$12,000, aggregating approximately \$77,608.40.

(3) UPU proposes to deposit the net cash proceeds from the foregoing transactions, estimated at \$165,049.19, after expenses estimated at \$2,050, with the Provident Trust Company of Philadelphia, Trustee under the Trust Indenture dated January 1, 1935 securing UPU's 6% Series A and 5% Series B Collateral Trust Bonds due January 1, 1960 to be used to purchase such bonds on the open market at prices not to exceed 104% plus accrued interest. If the amount deposited with the trustee is not exhausted by April 20, 1944 by such purchases, UPU proposes that the balance of the proceeds be applied to the redemption of such bonds at 104%. If the Commission approves the proposed plan, UPU proposes that this Commission, upon request of UPU, apply to a court to enforce and carry out the terms and provisions of the Plan with respect to the redemption of bonds.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to such matters, and that said declaration shall not become effective, nor said application be granted except pursuant to further order of the Commission;

*It is ordered*, That a hearing be held upon such matters on November 22, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of the Rules of Practice, on or before November 20, 1943.

*It is further ordered*, That, without limiting the scope of the issues presented by this proceeding attention will be directed at the hearings to a consideration of the following matters and questions:

1. Whether the proposed transactions are consistent with, and appropriate to carry out, the order of the Commission dated March 4, 1942 as extended and are consistent with the public interest and the interest of investors.

2. What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to insure compliance with the requirements of the Public Utility Holding Act and the Rules and Regulations or orders promulgated thereunder.

3. Generally, whether the proposed transactions comply in all respects with the applicable provisions of the Act and the Rules thereunder.

*It is further ordered*, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to United Public Utilities Corporation, Alabama United Ice Company, Provident Trust Company of Philadelphia, Trustee under the Trust Indenture, and to Thomas E. Wright, Jackson, Mississippi

and Joseph J. Kirby, Jr., Jackson, Mississippi, the proposed buyers, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18289; Filed, November 12, 1943;  
2:53 p. m.]

[File No. 70-682]

**ASSOCIATED ELECTRIC CO. AND PANHANDLE  
PUBLIC SERVICE CO.**

**ORDER GRANTING EXTENSION OF TIME**

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 10th day of November 1943.

Associated Electric Company a registered holding company, and its wholly-owned subsidiary, Panhandle Public Service Company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (b), 12 (c), 12 (d), and 12 (f) thereof; and

The Commission having on July 9, 1943, after notice and hearing, made and filed its findings and opinion and issued its order herein (Holding Company Act Release No. 4422) granting the application and permitting the declaration to become effective; and

The applicants-declarants having, on November 4, 1943, filed an amendment requesting that, because of the inability of the parties to consummate the transactions forming the subject of the said application-declaration within the time prescribed by the Commission's order of July 9, the time for effecting the said transactions embraced in the application-declaration be extended to December 31, 1943; and

It appearing to the Commission to be appropriate in the public interest and the interest of investors that such extension of time be granted:

*It is ordered*, That the period of time within which the said transactions shall be completed, in accordance with the requirement of rule U-24 (c) (1) of the General Rules and Regulations, be, and hereby is, extended to and including December 31, 1943.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18290; Filed, November 12, 1943;  
2:53 p. m.]

[File No. 812-324]

**FILBERT CORPORATION**

**NOTICE OF AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission, held at its

No. 227—12

office in the City of Philadelphia, Pa., on the 11th day of November, A. D. 1943.

An application having been duly filed by Filbert Corporation, a Minnesota corporation with its principal place of business in Minneapolis, Minnesota, for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940, declaring it to be excepted from the definition of an investment company contained in said Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities;

*It is ordered*, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on November 16, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

*It is further ordered*, That Henry C. Lank, Esquire, shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18291; Filed, November 12, 1943;  
2:53 p. m.]

[File Nos. 70-810, 59-5]

**MIDDLE WEST CORP. ET AL.**

**NOTICE OF FILING AND ORDER FOR HEARING  
AND DIRECTING CONSOLIDATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of November, 1943.

In the matter of The Middle West Corporation, Ralph J. Green, File No. 70-810; the Middle West Corporation and its subsidiary companies, File No. 59-5.

Notice is hereby given that declarations and applications (or both) have been filed with this Commission pursuant to sections 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder by The Middle West Corporation, a registered holding company, and Ralph J. Green, a resident of Warrensburg, Missouri.

All interested persons are referred to said document which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

1. The Middle West Corporation proposes to sell, and Ralph J. Green proposes to buy 13,687½ shares (of 25,375 total outstanding shares) of common

stock of Missouri Gas & Electric Service Company for the sum of \$352,400 (unless payment is made subsequent to December 31, 1943, and in that event the price shall be increased \$2.00 per share per annum from December 31, 1943 to the date of such payment, which payment shall not be subsequent to February 25, 1944) in accordance with the terms of an agreement dated October 8, 1943.

2. The Middle West Corporation proposed to distribute the proceeds of said proposed sale to its stockholders, at any time or from time to time, within a period of two years from the date on which such proceeds are received.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declarations shall not become effective, nor said applications be granted except pursuant to further order of this Commission;

*It is ordered*, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on November 30, 1943 at 10:00 o'clock a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested parties, said notices to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

*It is further ordered*, That the hearings "In the matter of The Middle West Corporation and its subsidiary companies, File No. 59-5" be reconvened and consolidated with the hearings on the matters hereinabove set forth, jurisdiction being reserved, however, to separate for disposition in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

*It is further ordered*, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered*, That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by Ralph J. Green, for the securities to be acquired from The Middle West Corporation, is reasonable and whether

such acquisition is in the public interest and in the interest of investors and consumers.

2. Whether the proposed acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system and whether it meets the requirements of the other applicable provisions of section 10 of the Act.

3. Whether the proposed sale is necessary to effectuate the provisions of subsection (b) of section 11 of the Act and whether it meets the requirements of section 12 (d) of the Act.

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers.

5. Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18340; Filed, November 13, 1943;  
11:56 a. m.]

[File No. 59-7]

#### CITIES SERVICE POWER AND LIGHT CO. ET AL.

##### ORDER EXTENDING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November, 1943.

In the matter of Cities Service Power & Light Company and its subsidiary companies, Respondents.

The Commission having on the 27th day of October, 1943, issued its order providing that a hearing with respect to certain issues as to which leave to introduce further evidence had previously been granted and certain other issues as to which jurisdiction had been reserved be held on November 15, 1943 at 10 o'clock, e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as the hearing room clerk in room 318 should designate; and

Counsel for the respondents, Cities Service Power & Light Company and certain of its subsidiary companies, having requested that such hearing be adjourned until January 17, 1944; and

The Commission having determined that adjournment of such hearing until December 1, 1943 would not be detrimental to the public interests or the interests of investors or consumers:

*It is ordered*, That the hearing now set for November 15, 1943, with respect to various issues not heretofore disposed of be and the same hereby is continued until December 1, 1943, such hearing to be held at the same hour and place as previously ordered.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18341; Filed, November 13, 1943;  
11:56 a. m.]

[File No. 68-30]

HOWARD F. ALLEN, ET AL.

##### ORDER PERMITTING WITHDRAWAL OF DECLARATION AND APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of November, 1943.

In the matter of Howard F. Allen, Chairman, John K. Starkweather and Edward J. Costigan, Jr., as a Protective Committee of Federated Utilities, Inc. first lien collateral trust 5½% bondholders, and Central Republic Company, Whitaker and Company, and Starkweather & Co.

Howard F. Allen, chairman, John K. Starkweather, and Edward J. Costigan, Jr., as a Protective Committee of Federated Utilities, Inc. First Lien Collateral Trust 5½% Bondholders, having heretofore filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 and particularly Rule U-62 promulgated thereunder, regarding a proposal by said committee for the solicitation of authorizations from holders of the First Lien Collateral Trust 5½% Bonds, due March 1, 1957, issued by Federated Utilities, Inc., which bonds were assumed in 1938 by Consolidated Electric and Gas Company, a registered holding company, to represent such bondholders in proceedings before this Commission, and in any court having jurisdiction in the premises, in matters relative to a plan filed by said Consolidated Electric and Gas Company with this Commission pursuant to section 11 (e) of said Act;

Central Republic Company, an investment banking company of which said Howard F. Allen is an officer, Starkweather & Co., an investment banking firm of which said John K. Starkweather is a partner, and Whitaker and Company, an investment banking company of which said Edward J. Costigan, Jr., is an officer, having heretofore severally filed applications pursuant to said Act and particularly Rule U-100 promulgated thereunder, whereby each of said applicants sought exemption from certain conditions imposed by said Rule U-62 upon persons making solicitations as proposed by the above-mentioned declaration and upon companies of which any person so soliciting is an officer, director, partner, or employee;

Said declarants and said applicants having now requested permission to withdraw the above-mentioned declaration and applications; and

It appearing to the Commission that the withdrawal of said declaration and said applications is not detrimental to the public interest or to the interest of investors or consumers;

*It is hereby ordered*, That said declarants and said applicants be, and they are hereby, granted permission to withdraw the above-mentioned declaration and the above-mentioned applications, and said declaration and said applications, and each of them, shall be, and

are, deemed withdrawn as of the date of the entry of this order.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18342; Filed, November 13, 1943;  
11:56 a. m.]

[File Nos. 54-75, 70-726]

#### COMMONWEALTH AND SOUTHERN CORP. (DELAWARE)

##### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of November 1943.

Notice is hereby given that declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company.

Notice is further given that any interested person may, not later than November 26, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of \$1.00 per share, an aggregate of \$1,482,000, on the outstanding shares of its preferred stock. The dividend was declared on November 9, 1943 and is payable on the 28th day after approval by this Commission, to stockholders of record at the close of business on the 14th day after such approval. The pending application is similar in substance to an earlier application approved by the Commission on June 24, 1943 covering a proposed distribution of \$3 per share to preferred stockholders (see Holding Company Act Release No. 4383) and an application approved by the Commission on September 13, 1943 covering a proposed distribution of 75¢ per share to preferred stockholders (see Holding Company Act Release No. 4560).

The application states that the funds required for the proposed payment of the dividend of \$1.00 per share on the presently outstanding shares of Commonwealth's preferred stock are now on hand and are not required for any corporate purpose of Commonwealth other than the payment of dividends.

The application states that the payment of the proposed dividend will not impair the financial integrity or working capital of Commonwealth.

Applicant considers sections 11 and 12 (e) of the Act and Rule U-46 as applicable to the proposed transaction.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18353; Filed, November 15, 1943;  
10:12 a. m.]

[File No. 30-114]

IOWA-NEBRASKA LIGHT AND POWER  
COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of November 1943.

Notice is hereby given that an application has been filed with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 by Iowa-Nebraska Light and Power Company for an order that it has ceased to be a holding company. The application states that on September 8, 1943, Iowa-Nebraska Light and Power Company transferred to its parent, Continental Gas & Electric Corporation, a registered holding company and a subsidiary of The United Light and Railways Company, also a registered holding company, all the securities of Maryville Electric Light and Power Company owned by the applicant and consisting of 4,000 shares of common stock and \$340,000 of open account indebtedness. This transaction was approved by the Commission on August 16, 1943, The United Light and Railways Company, et al., File No. 70-717, Holding Company Act Release No. 4497.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application shall not be granted except pursuant to further order of this Commission.

*It is ordered.* That a hearing on such matter under the applicable provisions of said Act and the Rules and Regulations of the Commission thereunder be held on December 1, 1943, at 10:00 a. m. e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa., in such room as the Hearing Room Clerk at that time shall advise. At such hearing cause will be shown why such application shall be granted. Notice of said hearing shall be given to the applicant by registered mail and to all other interested persons by publication in the FEDERAL REGISTER;

*It is further ordered.* That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of

the Act and to a Trial Examiner under the Commission's Rules of Practice;

*It is further ordered.* That, without limiting the scope of issues presented by said application otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the requested declaration of status is consistent with all applicable requirements of the Act and the Rules thereunder.

2. Whether it is necessary or appropriate for the protection of investors to impose any terms and conditions and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18352; Filed, November 15, 1943;  
10:12 a. m.]

[File No. 70-791]

NEW ENGLAND POWER ASSOCIATION

ORDER PERMITTING DECLARATION TO BECOME  
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of November 1943.

New England Power Association, a registered holding company and a subsidiary company of International Hydro-Electric System, also a registered holding company, having filed a declaration, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder, requesting authority to expend in its discretion (over and above the amounts presently permitted by the rules under the Act) not more than \$1,000,000 to purchase in the open market its outstanding 5% debentures due 1948 and 5½% debentures due 1954, during the six-month period next following the date of the Commission's order on such declaration; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein:

*It is ordered.* That said declaration be and hereby is permitted to become effective forthwith, subject however to the conditions prescribed in Rule U-24 and subject to the further terms and conditions as follows:

(1) No debentures shall be purchased except at prices substantially equivalent to those then prevailing on the New York Curb Exchange.

(2) At least seven days before purchases are commenced, New England Power Association shall advise each registered holder of the debentures by letter of its intention to make such purchase and the method to be employed, and also publish at least five days prior to the commencement of such purchases, a similar notice in daily newspapers of general circulation in New York City and Boston; the form of such letter and no-

tice to be submitted to the Commission prior to its mailing and publication;

(3) New England Power Association shall not solicit or cause to be solicited the sale to it of any debentures, and it shall not knowingly purchase any debentures, directly or indirectly, from any of its officers or directors or from any of its subsidiaries or affiliates, or from any officer or director thereof;

(4) No purchases are to be effected after the expiration of four months from the date of this order, subject, however, to the right of New England Power Association to apply for an extension or extensions of such period;

(5) New England Power Association shall furnish to the Commission within ten days after the close of each calendar month a report setting forth the principal amount of debentures purchased during such month, the dates of acquisition and the prices at which they were purchased, and, as to each purchase otherwise than on the New York Curb Exchange, such report should also include the indemnity of the seller;

(6) The Commission reserves jurisdiction in its discretion to rescind or modify its order by written notice to New England Power Association of such rescission or modification at any time prior to the expiration of the four-month period, any such rescission or modification to be applicable to such portion of the \$1,000,000 as shall not have been previously expended.

By the Commission.

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 43-18357; Filed, November 15, 1943;  
10:12 a. m.]

[File Nos. 59-34, 59-56]

NEW ENGLAND GAS AND ELECTRIC  
ASSOCIATION, ET AL.

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November 1943.

In the matter of New England Gas and Electric Association, Paul Smith, Alexander Speer, and Frederick W. Bartow, as trustees of Gas and Electric Associates; Francis G. Goodale, as trustee of Utility Investing Trust, Denis J. Driscoll and Willard L. Thorp, as Trustee of Associated Gas and Electric Corporation, Stanley Clarke, as Trustee of Associated Gas and Electric Company, File No. 59-34 and New England Gas and Electric Association, File No. 59-56.

The continued hearing in the above entitled proceedings having been scheduled for November 29, 1943, at 10 a. m. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

Counsel for the Trustees of Associated Gas and Electric Company and Associated Gas and Electric Corporation having requested that an interim hearing be held on November 17, 1943, in New York, New York, for the purpose of taking the testimony of C. M. Travis,

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who it is represented is in ill health and unable to attend the scheduled hearing in Philadelphia;

The Commission having considered the request and deeming it appropriate that a hearing should be held in New York on November 17, 1943, for the purpose of taking the testimony of C. M. Travis in connection with this proceeding:

*It is ordered*, That a hearing in this matter be held on November 17, 1943, at 10:30 a. m., in the offices of the Securities and Exchange Commission, 120 Broadway, New York, New York, for the purpose of taking the testimony of C. M. Travis in connection with this proceeding, and that thereafter the hearing be continued to November 29, 1943, at 10 a. m. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, as heretofore ordered.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-18356; Filed, November 15, 1943;  
10:12 a. m.]

[File Nos. 54-78, 54-40, 59-40, 54-53, 59-49]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of November 1943.

In the matters of Consolidated Electric and Gas Company, File No. 54-78; Consolidated Electric and Gas Company, Applicant, File No. 54-40; Central Public Utility Corporation, Consolidated Electric and Gas Company, Respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Applicants, File No. 54-53 and Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, Voting Trustees under Voting Trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, Respondents, File No. 59-49.

Consolidated Electric and Gas Company, a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for certain action designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of said Act; the Commission having by order dated July 19, 1943 consolidated the proceedings upon said application (1) with certain proceedings theretofore instituted by the Commission pursuant to section 11 (b) of said Act with respect to said Consolidated Electric and Gas Company and Central Public Utility Corporation, also a registered holding company, (2) with certain other proceedings instituted by the Commission pursuant

to said section 11 (b) with respect to Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, Voting Trustees under a certain voting trust agreement dated August 1, 1932, relating to common stock of said Central Public Utility Corporation (said Trustees also being a registered holding company), (3) with proceedings upon an earlier application of said Consolidated Electric and Gas Company for approval of certain other action also designed to enable said Consolidated Electric and Gas Company to comply with said section 11 (b), and (4) with proceedings upon an application and declaration by said Trustees, above named, regarding the disposition of the common stock of Central Public Utility Corporation held by said Trustees; and the Commission having by said order of July 19, 1943 set down said consolidated proceedings for hearing at the offices of the commission in Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on August 3, 1943; and the Commission having by orders dated July 28, 1943, September 3, 1943, and October 1, 1943 postponed said hearing to September 8, 1943, October 12, 1943, and November 17, 1943, respectively; and

Consolidated Electric and Gas Company having requested that the hearing so directed to be held in said consolidated proceedings be further postponed for a period of not less than ninety days, stating in such request, among other things, that the company, since June 23, 1943, the date of the filing of its application for approval of the plan hereinabove first mentioned, has disposed of seven of its subsidiary companies and has entered into contracts, or substantially concluded negotiations, for the sale of eleven additional subsidiaries and it further appearing that said company has applied to the Illinois Commerce Commission for authority to reclassify the common stock of its subsidiary, Central Illinois Electric and Gas Company, one of the principal subsidiaries of the system, and to this Commission for similar authorization and for authority to sell said stock, as so reclassified, to the public through underwriters, and Consolidated Electric and Gas Company stating that substantial savings in federal income and excess profits taxes will accrue to the subject holding company system if the several pending dispositions are consummated prior to December 31, 1943, that the consummation of said transactions will require substantially the full time and attention of the holding company management for a considerable period of time and, while simplifying problems of system compliance with said section 11 (b), will require material revision of the plan for such compliance heretofore submitted to this Commission; and the Commission deeming it appropriate under the circumstances that the hearing directed to be held herein on November 17, 1943, be further postponed;

*It is ordered*, That the hearing in this matter previously scheduled for November 17, 1943, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be and here-

by is postponed to February 15, 1944, at the same hour and place and before the same trial examiner as heretofore designated.

*It is further ordered*, That the time within which any person other than parties to said consolidated proceedings desiring to be heard or otherwise wishing to participate in said proceedings shall file his request or application therefor with the Secretary of the Commission as provided by Rule XVII of the Commission's Rules of Practice be, and the same hereby is, extended to February 10, 1944.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-18354; Filed, November 15, 1943;  
10:12 a. m.]

[File Nos. 59-8, 70-676]

COMMONWEALTH AND SOUTHERN CORP.  
ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November 1943.

In the matter of The Commonwealth & Southern Corporation and its subsidiary Companies, Respondents, File No. 59-8; Transportation Securities Corporation and The Commonwealth & Southern Corporation, File No. 70-676.

Notice is hereby given that The Commonwealth & Southern Corporation ("Commonwealth") and Transportation Securities Corporation ("Transportation"), a subsidiary company thereof, have filed an amendment designated as Amendment No. 3 to an application and declaration previously filed by such companies pursuant to the Public Utility Holding Company Act of 1935; such amendment was filed pursuant to sections 9, 10 and 12 (f) of the Act and Rule U-46 thereunder. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Commonwealth proposes, subject to approval of the Commission, to purchase all of Transportation's investments in Atlanta Northern Railway Company ("ATNO"), consisting of 1,000 shares of common stock (par value \$100) and a demand note with an unpaid balance of \$935,000, for a consideration of \$130,000 in cash plus an amount equal to the net income of ATNO earned subsequent to April 30, 1943 to the date of purchase, after provision for depreciation at the rate of \$1,833 monthly and for taxes at the 1942 rates.

Commonwealth represents that the transactions now proposed constitute the final steps in the disposition by transportation of its investments in Transportation companies as outlined in its earlier application and in its plan to change the capitalization of Commonwealth, and requests authorization to effect the pro-

posed transactions as soon as practicable so as to permit Transportation to complete the disposition of its assets and to make final payments on account of its indebtedness to Commonwealth and Ohio Edison Company and thereafter to dissolve.

The application states that the assets of Transportation consist solely of cash and other current assets approximately equal to its current liabilities and its investments in ATNO, a Georgia interurban railway corporation engaged in the transportation of passengers from a terminus in Atlanta, Georgia to Marietta, Georgia, a distance of approximately 16 miles. The application further states that on September 3, 1943 Transportation had tentatively agreed to sell all of its investments in ATNO to a non-affiliated individual of Atlanta, Georgia for the same price at which Commonwealth now proposes to purchase such investments of ATNO, but that said individual subsequently declined to consummate the transaction, and efforts thereafter to dispose of this investment to others have been unsuccessful.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, and that the application shall not be granted except pursuant to further order of this Commission;

*It is ordered*, That a hearing on the application or declaration (or both) be held in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 11:00 a. m., e. w. t., on the 26th day of November 1943, in such room as may be designated at such time by the Hearing Room Clerk in Room 318.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's Rules of Practice, Rule XVII, on or before November 24, 1943.

*It is further ordered*, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered*, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to The Commonwealth & Southern Corporation and to Transportation Securities Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

*It is further ordered*, That without limiting the scope of the issues presented by said application or declaration (or both), particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the transactions as proposed in this application are appropriate and consistent with all applicable requirements of the Act, and Rules thereunder.

(2) Whether any terms and conditions are necessary in the public interest and for the protection of investors and consumers to prevent the circumvention of the provisions of the Act or of the Rules, Regulations or Orders thereunder.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F. R. Doc. 43-18355; Filed, November 15, 1943;  
10:12 a. m.]

## WAR FOOD ADMINISTRATION.

### HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

#### PROPOSED MARKETING AGREEMENT AND ORDER

Notice of report and opportunity to file exceptions with respect to a proposed marketing agreement and to a proposed order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Pursuant to § 900.12 (a) of the rules of practice and procedure (7 CFR, 1941, Supp. 900.1-900.17; and 8 F.R. 2815) Food Distribution Association, War Food Administration, notice is hereby given of the filing with the Hearing Clerk of this report of the Director of Food Distribution with respect to a marketing agreement and to an amended order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 1531, United States Department of Agriculture, Washington, D. C., not later than the close of business of the 8th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The proceeding was initiated by the Food Distribution Administration as a result of a written petition filed jointly by the Cooperative Pure Milk Association and the Cincinnati Sales Association for a public hearing to receive evidence on several proposed amendments to Order No. 65. It was conducted from consideration of the various proposals that a hearing should be held. Accordingly, a notice of hearing was issued on August 20, 1943, and the hearing was held at Cincinnati, Ohio, on August 25 and 26, 1943. The hearing notice included also several proposals of the Dairy and Poultry Branch, Food Distribution Administration. The major issues developed at the hearing were concerned with (1) an increase in the Class I and Class II prices, (2) cooperative payments, (3) the elimination of the special prices on Class I milk sold outside the marketing area, (4) the elimination of the special price on Class I milk sold as relief milk, (5) the computation of the uniform price on a 3.5 rather than a 4.0 percent butterfat basis, (6) the revision of the marketing area, (7) the deletion of the special price applicable to new producers, and (8) several minor changes of an administrative nature.

With respect to those issues it is concluded that:

(1) The Class I price should not be increased; the Class II price should be increased from \$2.65 to \$3.10 per hundredweight: *Provided*, That such price shall not be lower than the Class III price plus 15 cents;

(2) Cooperative payments should be made from the pool value of milk;

(3) The special prices of Class I milk sold out-side the marketing area should be eliminated;

(4) The special price for Class I milk for relief should be eliminated;

(5) The butterfat test basis for the computation of the uniform price to producers should be changed from 4.0 to 3.5 percent;

(6) The marketing area should be revised to eliminate the townships of Harrison, Whitewater, and Miami in Hamilton County;

(7) The new producer price provision should be eliminated; and

(8) Minor changes of an administrative nature should be made.

The following provisions of a proposed amended order and a proposed marketing agreement are recommended as the detailed means for carrying out the conclusions stated hereinabove. §§ 965.17, 965.18 and 965.19 as set forth below apply to the proposed marketing agreement only. The remaining provisions are applicable to both the proposed order and proposed marketing agreement.

#### FINDINGS

It is found upon the evidence introduced at the public hearing held at Cincinnati, Ohio, on August 25 and 26, 1943, said findings being in addition to the findings made upon the evidence introduced at the original public hearing on the said order, and in addition to the other findings made prior to or at the time of the original issuance of the said order (all of which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

1. That prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth herein are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement upon which a hearing has been held;

3. That the issuance of this order and all of its terms and conditions, will tend to effectuate the declared policy of the act.

## PROVISIONS

**§ 965.3 Definitions.** The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. 1940 ed. 601 et seq.), as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers or to perform the duties, pursuant to the act, of the War Food Administrator.

(c) "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio, except the townships of Harrison, Whitewater, and Miami.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces milk which is received at a plant from which, under approval of the proper health authorities, milk is disposed of as milk in the marketing area, or milk handled by a cooperative association under the conditions set forth in (f) of this paragraph.

(f) "Handler" means any person, irrespective of whether such person is a producer or a cooperative association, who engages in such handling of milk, all or a portion of which is disposed of as milk in the marketing area, as is in the current of interstate commerce in milk and its products. "Such handling of milk" as used in this definition, shall include the milk of any producer whose milk has been received previously at a plant described in (e) of this section, which milk has been caused to be delivered by a cooperative association, during the delivery periods of April, May, and June to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such cooperative association; and such milk shall be deemed to have been received from producers by such cooperative association. "Handler" shall not include any person from whom emergency milk is received or any person who handles only milk of his own production.

(g) "Delivery period" means any calendar month, except that the first delivery period shall mean the period from the effective date hereof and until the end of the calendar month in which such effective date occurs.

(h) "Market administrator" means the agency which is described in § 965.4 for the administration hereof.

(i) "Emergency milk" means milk or skim milk received by a handler from sources other than producers under a permit to receive such milk which has been issued to him by the proper health authorities: *Provided*, That the total quantity of milk and skim milk so received shall be in excess of the total

quantity of milk diverted on the same day by a cooperative association under the conditions set forth in (f) of this paragraph.

**§ 965.4 Market administrator—(a) Designation.** The agency for the administration hereof shall be a market administrator, who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the War Food Administrator complaints of violations of the provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by § 965.11, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the War Food Administrator may designate;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.5 or has not made payments pursuant to §§ 965.9 and 965.11;

(6) Promptly verify the information contained in the reports submitted by handlers; and

(7) Furnish such information and verified reports as the War Food Administrator may request, and submit his books and records to examination by the War Food Administrator at any and all times.

**§ 965.5 Reports—(a) Reports of handlers to market administrator.** Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator in the detail and on forms prescribed by him, as follows:

(1) On or before the 10th day after the end of each delivery period, each

handler who receives milk from producers shall report with respect to all milk, skim milk, and cream received by him during the delivery period:

(i) The receipts of milk at each plant from producers, from his own production, and from other handlers;

(ii) The receipts of emergency milk, the date or dates upon which such milk was received during the delivery period, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk, and the utilization of such milk;

(iii) The milk, skim milk, and cream, with its butterfat content, received from any other source;

(iv) The utilization of all receipts of milk, skim milk, and cream during the delivery period;

(v) The name and address of each new producer; and

(vi) His producer pay roll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.9 (a), and the deductions and charges made by the handler;

(2) On or before the 5th day after the end of each delivery period, each handler who receives milk from producers shall report, with respect to Class I milk disposed of outside the marketing area during the delivery period, the amount and the utilization of such milk, the butterfat test thereof, the date and place of such sale or disposition, and the plant from which such milk was shipped;

(3) On or before the day each handler who receives milk from producers receives emergency milk, he shall report his intention to receive such emergency milk;

(4) On or before the 10th day after each delivery period, a cooperative association causing delivery of milk under the conditions set forth in § 965.3 (f) shall report the amount of such milk, the date or dates of such delivery during the delivery period, the plant to which such milk was delivered, and the utilization of such milk;

(5) Within 10 days after the market administrator's request each handler who receives milk from producers shall report, with respect to each of his producers for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator, the name and address, the total pounds of milk received, the average butterfat test of milk received, and the number of days upon which milk was received; and

(6) Each handler who receives no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

**(b) Verification of handler reports.** Each handler shall make available to the market administrator or to his agent, or to such other person as the War Food Administrator may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to this section, and those facilities which are

necessary for the sampling, weighing, and testing of the milk of each producer.

(c) *Reports of market administrator to cooperative associations.* On or before the 13th day after the end of each delivery period, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.10 (b), to each handler to whom the cooperative sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

**§ 965.6 Classification of milk—(a)**  
*Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c), (d), and (e) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and milk drinks, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (i) as actual plant shrinkage but not to exceed 2½ percent of total receipts of milk from producers (including the handler's own production) and (ii) as used to produce a milk product other than those specified in Class II milk.

(c) *Interhandler and nonhandler sales.* Milk or skim milk disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be Class I milk; and cream so disposed of shall be Class II milk: *Provided*, That if the selling handler on or before the 10th day after the end of the delivery period furnishes to the market administrator a statement, which is signed by the buyer and the seller, that such milk, skim milk, or cream was used as Class III milk, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the amount of his milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received (i) from producers, including milk of the handler's own production, (ii) from other handlers, (iii) as emergency milk, (iv) from any other source (including cream converted to 4.0 percent milk equivalent), and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received, as follows: (i) multiply the weight of milk received from

producers, including the handler's own production, by its average butterfat test; (ii) multiply the weight of milk received from other handlers by its average butterfat test; (iii) multiply the weight of emergency milk by its average butterfat test; (iv) multiply the weight of milk and cream received from any other source by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I, as follows: (i) convert to half pints the quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 0.5375; (ii) multiply the result by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 4.0 percent and the resulting amount shall be added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II, as follows: (i) multiply the actual weight of each of the several products of Class II milk by its respective average butterfat test; (ii) add together the resulting amounts; and (iii) divide such sum by 4.0 percent.

(5) Determine the total pounds of milk in Class III, as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2½ percent of the total receipts of butterfat by the handler from producers, including that of the handler's own production); (iv) add together the results obtained in (ii) and (iii) of this subparagraph; and (v) divide the sum obtained in (iv) of this subparagraph by 4.0 percent.

(6) Determine the classification of milk of producers as follows: (i) subtract from the total pounds of milk in each class the total pounds of milk received from other handlers and used in such class; (ii) subtract pro rata out of the remaining milk in each class the total pounds of emergency milk; and (iii) subtract from the remaining milk in each class the total pounds of milk (and milk equivalent of cream converted to 4.0 percent milk), except emergency milk, received from sources other than producers or handlers and used in such class.

(c) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any

handler, as computed pursuant to (d) of this section, is less than the quantity of milk received from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the quantity of milk received from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the quantity of milk received from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the quantity of milk received from producers and the total utilization of milk by classes for such handler.

**§ 965.7 Prices—(a) Class prices.** Each handler shall pay, at the time and in the manner set forth in § 965.9, not less than the following prices per hundredweight, on the basis of milk of 4.0 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.6 (d) and (e):

(1) Class I milk—\$3.55;

(2) Class II milk—\$3.10: *Provided*, That the Class II price shall at no time be less than the Class III price plus 15 cents;

(3) Class III milk—The price resulting from the following computation by the market administrator: determine the arithmetical average of the basic, or field, prices per hundredweight ascertained to have been paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period at the following plants:

Concern:	Location of plant
M. & R. Dietetic Lab-	Chillicothe, Ohio.
oratories, Inc.	
Carnation Milk Com-	Hillsboro, Ohio.
pany.	
Nestle's Milk Prod-	Greenville, Ohio.
ucts, Inc.	
Osgood Milk Com-	Osgood, Indiana.
pany.	
Carnation Milk Com-	Maysville, Kentucky.
pany.	

*Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent thereof, and add or subtract 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above or below, respectively, 5½ cents per pound. The price per pound of dry skim milk to be used in this subparagraph shall be the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption,

f. o. b. manufacturing plant, as published by such agency for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event such agency does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, delivered at Chicago, shall be used, and the figure "7½" shall be substituted for "5½" in the formula set forth above in this proviso.

(b) *Butterfat differential to handlers.* If the weighted average butterfat content of milk received by a handler from producers is other than 4 percent, there shall be added to or subtracted from, as the case may be, the class prices set forth in this section, for each one-tenth of 1 percent of average butterfat content above or below 4 percent, an amount computed as follows: to the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture (or such other agency as hereafter may be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent thereof, and divide the result by 10.

(c) *Computation of value of milk for each handler.* (1) For each delivery period the market administrator shall compute the value of milk for each handler, as follows:

(i) For each handler who receives milk from producers, multiply the hundredweight of milk in each class, computed in accordance with §§ 965.6 (d) and 965.6 (e), by the respective class prices for 4 percent milk, subject to the butterfat differential provided by (b) of this section: *Provided*, That if any such handler has received milk or cream, except emergency milk, from sources other than producers or handlers, as referred to in § 956.6 (d) (6) (iii), and has disposed of such milk or cream other than as Class III milk, there shall be added to the value of milk thus far determined an additional amount computed as follows: multiply the hundredweight of such milk or milk equivalent of cream by the difference between the Class III price and the price applicable to the class in which it was disposed.

(ii) For the hundredweight of milk involved in any adjustment made pursuant to § 965.6 (e) the handler shall be debited or credited, as the case may be, at the Class III price.

(iii) For each handler who receives no milk from producers but who individually disposes of milk or cream, except emergency milk, in the marketing area other than as Class III milk, multiply the hundredweight of such milk, or milk equivalent of cream, by the difference between the Class III price and the price applicable to the class in which it was disposed.

(iv) Add together the resulting amounts.

(v) If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payments due the producer-settlement fund or the handler for any previous delivery period, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors.

(d) *Notification to handler of the value of his milk.* On or before the 13th day after the end of each delivery period, the market administrator shall bill each handler for the value of milk computed for him in accordance with (c) of this section.

§ 965.8 *Computation and announcement of uniform price*—(a) *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from producers, as follows:

(1) Add together the values of milk as computed in § 965.7 (c) for handlers who made the payments to the producer-settlement fund as required by § 965.9 (b);

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: multiply the hundredweight of such milk by the variance of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.7 (a) (3), was more than 40 cents; or by 40 cents if such average price of butter was more than 30 cents but not more than 40 cents; or by 30 cents if such average price of butter was 30 cents or less;

(3) Subtract an amount equivalent to the monies retained pursuant to § 965.13 (b);

(4) Add the balance in the producer-settlement fund not reserved for payment under § 965.13 (b);

(5) Divide by the total hundredweight of milk of producers represented in the sum computed pursuant to (1) of this paragraph; and

(6) Subtract from the figure obtained in (4) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of producers which contains 3.5 percent of butterfat.

(b) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform price for milk and of the price for Class III milk, and shall make public announcement of the uniform price computation. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler

from the payments made to producers pursuant to § 965.10, and the amounts actually paid to haulers for the transportation of milk from the farms of producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.5 (a).

§ 965.9 *Payment for milk*—(a) *Payments to producers.* On or before the 5th day after the end of each delivery period, each handler shall pay, with respect to all milk received during the delivery period, \$1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of the deductions and charges authorized by any producer against payments due such producer for the delivery period next preceding is greater than the payment computed for such producer pursuant to § 965.10 (a) with respect to the milk received from such producer during such preceding delivery period, the handler may deduct from the payment required by this paragraph a sum equal to the difference between such amounts.

(b) *Payment to producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount of money which represents the value of milk billed to him for such delivery period, pursuant to § 965.7 (d), less the amount paid out to each producer in accordance with (a) of this section, and less the amount the deductions and charges authorized by such producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with (a) of this section (inclusive of the deductions and charges authorized by (a) of this section), will not exceed the total value of the milk received from such producer. The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments of handlers received pursuant to this paragraph.

§ 965.10 *Payments from producer-settlement fund*—(a) *Calculation of payments for each producer.* For each delivery period, the market administrator shall calculate the payment due each producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with § 965.9, as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with § 965.8 (a); *Provided*, That if the milk of such producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 3.5 percent, 5 cents if the average price of butter described in § 965.7 (a) (3) was more than 40 cents; 4 cents if such

average price of butter was more than 30 cents but not more than 40 cents; or 3 cents if such average price of butter was 30 cents or less.

(2) Subtract in each case, the amount of the payment made pursuant to § 965.9 (a), and the charges and the deductions, if any, which are made pursuant to § 965.9 (b).

(b) *Payments.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of § 965.12, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

(2) On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of § 965.12, direct to each producer who has not authorized a cooperative association to receive payments for such producer the amount of the payment calculated for such producer pursuant to (a) of this section.

§ 965.11 *Expense of administration—(a) Payment by handler.* As his pro rata share of the expenses which will be necessarily incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler, with respect to all milk received from producers and produced by him during the delivery period, shall pay to the market administrator, on or before the 17th day after the end of each delivery period, that amount per hundredweight, not to exceed 2 cents, which is announced by the market administrator on or before the 13th day after the end of the delivery period: *Provided*, That any cooperative association which has handled milk during the delivery period under the conditions set forth in § 965.3 (f) shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.12 *Marketing services—(a) Deductions.* The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.10 (b), with respect to the milk of those producers for whom the marketing services set forth in (b) of this section are not being performed by a cooperative association which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in (b) of this section.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to (a) of this section shall be expended by the market administrator for market information

to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the War Food Administrator.

§ 965.13 *Payments to cooperative associations—(a) Eligibility.* Upon application to the War Food Administrator, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and with the standards set forth in § 965.12 (a) to be operating as a producer-controlled marketing association exercising full authority in the sale of the milk of, and assuming responsibility for payments to, its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association, shall be entitled, under the further conditions hereinafter specified, to receive payments from the date of its qualification as fixed by the War Food Administrator, until it has been found by the War Food Administrator, after notice and opportunity for hearing, that it has failed to continue to meet any condition set forth in this section for the receipt of such payments:

(1) At the rate of one-half cent per hundredweight on all milk (i) marketed by it in the manner indicated above on behalf of members, and (ii) on which reports and payments have been made as required under §§ 965.3, 965.9, and 965.11, except that payment at this rate shall not be made on milk with respect to which the same association is eligible to receive payment under (2) of this paragraph.

(2) At the rate of 3 cents per hundredweight on all milk which is received from members at any plant operated by such an association, or subsidiary thereof, and which is included in the computations made pursuant to § 965.8.

(b) *Payment.* The market administrator shall, upon notice of the filing of an application by a cooperative association, retain each delivery period in the producer-settlement fund such sum as he estimates is ample to make payments to the applicant to be held in reserve until the War Food Administrator has ruled upon said application and shall, when the application has been ruled upon by the War Food Administrator, make payment or issue credit out of such reserves in accordance with said ruling and shall release the balance of the reserved sums, if any, for disposition pursuant to § 965.8 (a) (4); and shall on or before the 20th day of each delivery period thereafter, make such payments or issue credit therefore out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time

to time, as requested by the market administrator, make reports to him with respect to its conformity with any of the conditions for qualification or to the use of such payments and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension.* The market administrator shall suspend payment upon his own initiative or upon request by the War Food Administrator or by such officer of the War Food Administration or United States Department of Agriculture as he may designate, by giving written notice to a cooperative association and to the War Food Administrator whenever there is good reason to believe that such association is no longer qualified to receive payment. Such suspended payments shall be segregated and held in reserve until the War Food Administrator, after notice and opportunity for hearing, has appraised the performance of the cooperative and either has ordered a partial or complete payment of funds held in reserve to the cooperative or has disqualified such cooperative, in which event the balance of funds held in reserve shall be released for disposition pursuant to § 955.8 (a) (4).

§ 965.14 *Effective time, suspension, and termination—(a) Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension or termination.* Any or all provisions hereof, or amendments thereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs be performed by such other person, persons, or agency as the War Food Administrator may designate.

(1) The market administrator, or such other person as the War Food Administrator may designate, shall (i) continue in such capacity until removed by the War Food Administrator; (ii) account from time to time for all receipts and disbursements and, when so directed by the War Food Administrator, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the War Food Administrator shall direct; and (iii) execute, if so directed by the War Food Administrator, such assignments or other instruments necessary or

appropriate to vest in such person full title of all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof of the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 965.15 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 965.16 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

§ 965.17 *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

§ 965.18 *Counterparts and additional parties—(a) Counterparts of marketing agreement.* This marketing agreement may be executed in multiple counterparts, and when one counterpart is signed by the War Food Administrator all such counterparts shall constitute, when taken together, one and the same instrument, as if all signatures were obtained in one original.

(b) *Additional parties to the marketing agreement.* After this marketing agreement first takes effect, any handler may become a party to this marketing agreement if a counterpart hereof is executed by him and delivered to the War Food Administrator. This marketing agreement shall take effect as to such new contracting parties at the time such counterpart is delivered to the War Food Administrator and the benefits, privileges, and immunities conferred by this marketing agreement shall then be effective as to such new contracting party.

§ 965.19 *Record of milk handled and authorization to correct typographical errors—(a) Record of milk handled during the month of August 1943.* The undersigned certifies that he handled during the month of August 1943, ---- hundredweight of milk covered by this marketing agreement and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Chief, or Acting Chief, Dairy and Poultry Branch, Food Distribution Administration, to correct any typographical errors which may have been made in this marketing agreement.

In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

This report filed at Washington, D. C., this 13th day of November 1943.

C. W. KITCHEN,

*Acting Director, Food Distribution.*

[F. R. Doc. 43-18347; Filed, November 13, 1943;  
3:57 p. m.]

#### WAR PRODUCTION BOARD.

DESCHUTES PROJECT, OREGON

##### STOP CONSTRUCTION ORDER

Name of builder: United States Department of Interior, Bureau of Reclamation, Denver, Colo.

The stop construction order issued December 12, 1942 with respect to the above named project is hereby amended by striking paragraph 1 thereof and by substituting the following:

1. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project described above, except the installation of fish screens on the headworks structure, the construction of a wooden flume crossing of Crooked River, the excavation and lining of two tunnels each about 3,400 feet long, the excavation of an additional 12 miles of canal, and the construction of bridges, drops, and other canal structures, and the construction of a distribution system of 20,000 acres of land and the necessary subjugation of the lands.

Issued this 13th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
*Recording Secretary.*

[F. R. Doc. 43-18308; Filed, November 13, 1943;  
10:20 a. m.]

#### RATIFICATION OF CERTIFICATES ISSUED BY ACTING CHAIRMAN

##### The ATTORNEY GENERAL:

With reference to the following certificates under section 12 of Public Law 603, 77th Congress (56 Stat. 357) issued by Charles E. Wilson as Acting Chairman of the War Production Board, after consultation with you, I do hereby ratify and adopt as my own the request or approval in each case made or given, and the finding and certification in each case made that the doing of any act or thing, or the omission to do any act or thing, pursuant to such request or approval is requisite to the prosecution of the war:

Certificate No. 138, dated September 21, 1943  
Certificate No. 139, dated September 25, 1943  
Certificate No. 140, dated September 25, 1943  
Certificate No. 141, dated September 25, 1943  
Certificate No. 142, dated September 27, 1943  
Certificate No. 143, dated September 27, 1943  
Certificate No. 144, dated September 27, 1943  
Certificate No. 145, dated September 27, 1943  
Certificate No. 146, dated September 30, 1943  
Certificate No. 147, dated September 30, 1943  
Certificate No. 148, dated September 30, 1943  
Certificate No. 93 Amendment No. 1, dated October 4, 1943  
Certificate No. 149, dated October 2, 1943  
Certificate No. 150, dated October 7, 1943  
Certificate No. 151, dated October 7, 1943  
Certificate No. 152, dated October 25, 1943  
Certificate No. 153, dated October 29, 1943  
Certificate No. 154, dated October 29, 1943

Dated: November 4, 1943.

DONALD M. NELSON,  
*Chairman.*

[F. R. Doc. 43-18412; Filed, November 15, 1943;  
11:43 a. m.]

[Certificate 152]

PLIBRICO-RAMTITE ASSOCIATION  
RECOMMENDATION OF FORMATION OF  
WAR PRODUCTION ASSOCIATION

##### To the ATTORNEY GENERAL:

I submit herewith a Recommendation of the Acting Chairman of Smaller War Plants Corporation concerning the plan of organization, procedure and objectives of Plibrico-Ramtite Association,<sup>1</sup> Washington, D. C., a war production association organized for the purpose of manufacturing articles, equipment, supplies, and materials for war requirements.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan referred to in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance

<sup>1</sup> *Infra.*

with such plan is requisite to the prosecution of the war.

C. E. WILSON,  
Acting Chairman.

OCTOBER 25, 1943.

[F. R. Doc. 43-18414; Filed, November 15, 1943;  
11:43 a. m.]

**COORDINATED OPERATIONS BETWEEN POINTS  
IN OREGON AND WASHINGTON**

**APPROVAL OF ODT ORDER**

[Certificate 153]

To the ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-86, issued by the Deputy Director of the Office of Defense Transportation with respect to coordinating the operations of certain common carriers of property between points in Oregon and Washington.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-86, is requisite to the prosecution of the war.

C. E. WILSON,  
Acting Chairman.

OCTOBER 29, 1943.

[F. R. Doc. 43-18413; Filed, November 15, 1943;  
11:43 a. m.]

**COORDINATED OPERATIONS BETWEEN  
CHICAGO AND ST. LOUIS**

**APPROVAL OF ODT ORDER**

[Certificate 156]

To the ATTORNEY GENERAL:

I submit herewith Special Order ODT B-50 issued by the Director of the Office of Defense Transportation with respect to the coordination of motor vehicle service in the transportation of passengers by The Santa Fe Trail Transporta-

tion Company, Chicago, Illinois, and Deluxe Motor Stages of Illinois, Inc., Chicago, Illinois.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the Special Order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Special Order ODT B-50 is requisite to the prosecution of the war.

D. M. NELSON,  
Chairman.

NOVEMBER 4, 1943.

[F. R. Doc. 43-18415; Filed, November 15, 1943;  
11:43 a. m.]

**Smaller War Plants Corporation.**

**PLIBRICO-RAMTITE ASSOCIATION**

**RECOMMENDATION OF FORMATION OF WAR  
PRODUCTION ASSOCIATION**

Plibrico-Ramtite Association, Room 510, 613 Fifteenth Street NW., Washington, D. C., is a War Production Association comprising two companies which operate five refractories manufacturing plants, as listed in Appendix I. The purpose of this Association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war requirements, and more particularly "Super Duty Plastic Fire Clay Refractory" for Navy use. The activities of the Association will relate solely to war work and will terminate within six months after the end of the war.

In my opinion the formation and operation of Plibrico-Ramtite Association is appropriate to the fulfilment of the purposes of Public Law 603—77th Congress, approved June 11, 1942 (56 Stat. 351) and Executive Order No. 8891 of September 4, 1941. I have therefore approved the Plan of Organization, Procedure and Objectives of Plibrico-Ramtite Association,<sup>2</sup> and recommend that the Chairman of the War Production Board find and certify under section 12

of Pub. Law 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said Plan is requisite to the prosecution of the war (See Certificate No. 152, *infra*).

Issued at Washington, D. C., this 16th day of October, 1943.

A. M. CARTER,  
Acting Chairman.

**APPENDIX I**

The Ramtite Co., Division of S. Obermayer Co.

Plants: 2563 W. 18th Street, Chicago, Illinois; 647 Evans Street, Cincinnati, Ohio.

Plibrico Jointless Firebrick Co.

Plants: 1840 N. Kingsbury Street, Chicago Illinois; Firebrick, Ohio; 1300 New York Avenue, Trenton, New Jersey.

[F. R. Doc. 43-18411; Filed, November 15, 1943;  
11:43 a. m.]

**WAR SHIPPING ADMINISTRATION.**

**REQUISITIONED GREEK VESSEL "TASSIA"**

**NOTICE OF DEPOSIT ON ACCOUNT OF JUST  
COMPENSATION**

Notice is hereby given that, pursuant to the provisions of section 1 of the Act of June 6, 1941 (Pub. Law 101, 77th Cong. 55 Stat. 242), as amended, and Executive Order 9054 of February 7, 1942, as amended, the War Shipping Administrator, on November 11, 1943, deposited with the Treasurer of the United States, the amount of \$13,350.00 on account of just compensation for the former Greek Vessel "Tassia", title to which was requisitioned by the War Shipping Administrator on June 5, 1942.

The attention of interested parties is invited to the provisions of section 1 of the above-mentioned Act concerning claims against the vessel which existed at the time of requisition.

By order of the War Shipping Administrator.

[SEAL] A. J. WILLIAMS,  
Secretary.

NOVEMBER 15, 1943.

[F. R. Doc. 43-18400; Filed, November 15, 1943;  
11:34 a. m.]

<sup>1</sup>Supra.

\*Filed as part of the original document.





